

TWELFTH DAY.

(Monday, January 22, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Henderson
Amsler.	of Marion.
Arnold.	Henderson
Atkinson.	of McLennan.
Avis.	Howeth.
Baker of Milam.	Irwin.
Baker of Orange.	Jacks.
Baldwin.	Jennings.
Barker.	Jones.
Barrett.	Kemble.
Beasley.	Lackey.
Bell.	Laird.
Bird.	Lane.
Blount.	LeMaster.
Bobbitt.	LeSturgeon.
Bryant.	Lewis.
Cable.	Loftin.
Carpenter	Looney.
of Dallas.	Lusk.
Carpenter	McBride.
of Matagorda.	McDaniel.
Carson.	McDonald.
Carter of Coke.	McFarlane.
Carter of Hays.	McKean.
Coffee.	Martin.
Collins.	Mathes.
Covey.	Maxwell.
Cowen.	Melson.
Crawford.	Merriman.
Culp.	Marritt.
Davenport.	Miller.
Davis.	Montgomery.
DeBerry.	Moore.
Dielmann.	Morgan
Dinkle.	of Liberty.
Dodd.	Morgan
Downs.	of Robertson.
Driggers.	Pate.
Duffey.	Patman.
Dunlap.	Patterson.
Dunn.	Perdue.
Durham.	Pinkston.
Edwards.	Pope.
Faubion.	Potter.
Fields.	Price.
Finlay.	Purl.
Frnka.	Quaid.
Fugler.	Quinn.
Gipson.	Rice.
Green.	Robinson.
Greer.	Rogers.
Hardin of Erath.	Rountree.
Hardin	Rowland.
of Kaufman.	Russell
Harrington.	of Callahan.
Harris.	Russell of Trinity.
Hendricks.	Sackett.

Sanford.	Strickland.
Satterwhite.	Stroder.
Shearer.	Sweet.
Shires.	Teer.
Simpson.	Thompson.
Smith.	Thrasher.
Sparkman.	Turner.
Stell.	Wallace.
Stevens.	Wells.
Stewart	Westbrook.
of Edwards.	Wessels.
Stewart of Jasper.	Williamson.
Stewart of Reeves.	Winfree.
Stiernberg.	Young.
Storey.	

Absent.

Bonham.

Absent—Excused.

Brady.	Lamb.
Burmeister.	McNatt.
Chitwood.	Pool.
Houston.	Vaughan.
Hughes.	Wilmons.
Hull.	Wilson.
Johnson.	

A quorum was announced present.

Prayer was offered by Rev. Louis D. Grafton, of the First Presbyterian Church of Austin.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Houston for today, on motion of Mr. Potter.

Mr. Bobbitt for today, on motion of Mr. Arnold.

Mr. Baker of Orange and Mr. Hull for today, on motion of Mr. Jacks.

Mr. Pool for Monday, Tuesday and Wednesday, on motion of Mr. Gipson.

Mr. Brady for today and tomorrow, on motion of Mr. Shearer.

Mr. Burmeister for today, on motion of Mr. Williamson.

Mr. Hughes for today, on motion of Mr. Henderson of McLennan.

Mr. Wilson for today, on motion of Mr. Patterson.

The following members were granted leaves of absence on account of sickness:

Mr. Rogers for today, on motion of Mr. Winfree.

Mr. McNatt for today, on motion of Mr. Potter.

Mr. Chitwood for today, on motion of Mr. Teer.

Mr. Johnson for today, on motion of Mr. Faubion.

Mr. Lamb indefinitely, on motion of Mr. Strickland:

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Stroder, Mr. Carter of Hays and Mr. Greer:

H. B. No. 263, A bill to be entitled "An Act declaring cotton gins a public utility, and providing for the regulation thereof."

Referred to Committee on State Affairs.

By Mr. Baldwin:

H. B. No. 264, A bill to be entitled "An Act to amend Section 1, of Chapter 65, of the Acts of 1919 enacted at the Second Called Session of the Thirty-sixth Legislature, it being also Article 2817½ of the volume known as Complete Texas Statutes, 1920; so as to provide that the notice of the election for the consolidation of two or more common school districts, therein provided for, may be given by either the sheriff or the county judge, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Morgan of Robertson:

H. B. No. 265, A bill to be entitled "An Act to amend Section 39, Chapter 42, Acts of the First Called Session of the Thirty-seventh Legislature, providing for a systematic method of road maintenance in certain counties; providing for the creation of a patrol system for the care and up-keep of the public roads and highways of the State; providing for a budget system for the road and bridge fund of the counties; providing for the office of a county road superintendent, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Morgan of Robertson (by request):

H. B. No. 266, A bill to be entitled "An Act to amend Chapter 3, Special Laws of the Thirty-fifth Legislature, en-

acted at its Regular Session, creating the Hearne Independent School District; the said amendment providing for re-defining the boundaries of said school district and providing for the extension of said district and the annexation of adjacent territory thereto; providing for retention in office of present board of trustees and confirming the rights of the present board of trustees under the general laws of the State; validating all taxes and bonds now in force; providing for elections to determine (1) whether or not the indebtedness of the Hearne Independent School District, (2) of the additional territory annexed by this act, shall be assumed by the Hearne School District as extended by this act, and (3) whether or not the taxes for the district shall be levied, assessed and collected on all property in said district as extended by this act, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Frnka:

H. B. No. 267, A bill to be entitled "An Act to provide for the appointment of court bailiffs for the county and district courts of the State of Texas; prescribing their duties; providing for compensation for their services, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Frnka:

H. B. No. 268, A bill to be entitled "An Act to amend Article 1161 of the Code of Criminal Procedure of the State of Texas, relating to the fees of bailiffs, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Abney:

H. B. No. 269, A bill to be entitled "An Act providing that any hotel or boarding house or other place to which the people resort for board or lodging, and which place repeatedly permits employes or guests to make, sell or give away intoxicating liquors to excess, or permits gambling or prostitution, shall be declared a nuisance to be abated by the courts; and providing that when such acts are repeatedly committed by guests or employes the fact shall be prima facie evidence that the proprietors, managers, or those in charge have knowledge of same, and unless controverted shall be

grounds for issuing an order of injunction; and providing that it shall not be necessary to prove that such conditions obtain at time of sitting of the court, but only that the material allegations are true, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Abney:

H. B. No. 270, A bill to be entitled "An Act providing for the disposition of liquor seized by officers and others under the prohibition laws of the State; providing that reports in triplicate be made and the liquor and other property be left with the sheriff, and receipt taken, and the sheriff held responsible on his bond for the safe-keeping of the same, and providing penalties for the violation of this act."

Referred to Committee on Liquor Traffic.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Jacks:

H. J. R. No. 15, Proposing to amend Article 11 of the Constitution of the State of Texas by adding thereto at the end thereof another Section 11, providing for the creation of defined districts under proper legislative provisions, within the limits of cities and towns having more than three thousand inhabitants, for the purpose of constructing, improving and maintaining streets, alleys and sidewalks; constructing waterworks systems and sewerage systems; establishing and maintaining public parks and playgrounds; and improving any river, creek, bayou, stream or other body of water, and to drain and otherwise protect territory within the limits of such districts; conferring upon the Legislature the authority to pass laws with reference thereto; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and the ballots thereof and the method thereof; directing the issuance of the proclamation therefor; prescribing certain duties of the Governor of the State and making an appropriation to defray the expenses of said election.

RELATING TO EXHIBITION BY STATE HEALTH DEPARTMENT.

Mr. Rountree offered the following resolution:

Whereas, It has been the custom of the State Health Department of Texas every session of the Legislature to present an entertainment program of moving pictures, songs and dialogues, indicating the great work along the lines of disease preventions and of health preservation; therefore, be it

Resolved, That the State Health Department be granted the privilege of the Hall of Representatives on Thursday evening, January 26th, for the purpose of giving an entertainment to the members of the House and Senate and the people of Texas, beginning at 7:30 p. m.

The resolution was read second time and was adopted.

RELATING TO EMPLOYES OF THE HOUSE.

Mr. Moore offered the following resolution:

Whereas, It has been called to the attention of the House Committee on Contingent Expenses that Aaron Cole, appointed as page, has been ably and efficiently acting as storekeeper for the Sergeant-at-Arms; and

Whereas, Recommendations have been made by said committee that Aaron Cole be officially designated as storekeeper to the Sergeant-at-Arms at \$5 per day, beginning Monday, January 22, 1923; therefore, be it

Resolved, That said Aaron Cole be and is hereby designated storekeeper as above recommended, and that the position of page made vacant by such designation be not filled.

Whereas, It has been reported to said committee that certain individuals who rendered service before House appointments were announced have not received pay for such service; therefore, be it

Resolved, That the Speaker of the House be and is hereby authorized to investigate such cases and direct the Chief Clerk to draw warrants covering service so rendered.

Approved and recommended by the Committee on Contingent Expenses.

The resolution was read second time and was adopted.

RELATING TO ELEEMOSYNARY INSTITUTIONS.

Mr. Beasley offered the following resolution:

Whereas, The various State eleemosynary and reformatory institutions are now overcrowded and at the same time are unable to take care of many unfortunates for whom application for admittance is made and who should be cared for in the above institutions; and

Whereas, Both white boys and negro boys are at present confined in the State Juvenile Training School; and

Whereas, At a hearing before the Committee on Eleemosynary and Reformatory Institutions request was made for separating the negro boys confined in said State Juvenile Training School from the white boys confined therein; and

Whereas, Complaint has been made that in certain of the above-mentioned institutions the inmates are subjected to neglect and mistreatment; and

Whereas, If said condition exists in any of said institutions it is a gross injustice to the inmates of said institutions, in violation of the laws of this State, contrary to the high ideals of the citizenship of this State and should be corrected; while if said condition does not exist, justice to the officers and employees of said institutions demand that the true condition be made known to the people of the State; and

Whereas, The various eleemosynary and reformatory institutions have not been inspected by a duly authorized legislative committee for a number of years; now, therefore, be it

Resolved by the House of Representatives, That the House Committee on Eleemosynary and Reformatory Institutions be authorized to visit and inspect the various State eleemosynary and reformatory institutions, situated in and near Austin, making such inspections at such times as will not seriously interfere with the work of the House; and be it further

Resolved, That in view of the fact that some of the State eleemosynary and reformatory institutions are located at such a distance from Austin as would make it inconvenient and expensive for the full committee to visit said institutions, that therefore the Speaker of the House of Representatives appoint a special committee of five (5) from the membership of the House to fully inspect and investigate the conditions ex-

isting in the various eleemosynary and reformatory institutions, especially as to the care of the inmates and their living conditions; and that the said committee be authorized to formulate their own rules of conduct and procedure; to administer oaths and subpoena and compel the attendance of witnesses, if it be found necessary to conduct hearings, to fix such time or times and place or places for conducting this inspection and investigation as they may deem necessary, and to employ and pay such stenographers and clerks as may be necessary in compiling the report of said committee.

That the expenses incurred by the members of said special committee of five, including their hotel bills, board and transportation, as well as all other necessary and proper expenses, be paid out of the contingent fund of the Thirty-eighth Legislature, and should it be found necessary to continue its inspection and investigation after the adjournment of the Legislature, the members of said special committee of five shall be paid \$5 per day for the actual number of days they are engaged in the work of inspecting and investigating the various eleemosynary institutions out of session, and their actual necessary hotel and traveling expenses, together with such other necessary actual and proper expenses incident to this inspection and investigation; and the expense accounts of the various members shall be made out, sworn to and approved by the chairman of said special committee, and said expenses shall be paid out of the contingent fund of the Thirty-eighth Legislature.

That said special committee shall make its report of such inspection and investigation, and its recommendation thereon to this Legislature if in session, and if not in session to the Governor of the State of Texas as soon as possible after the completion of such inspection and investigation.

Signed—Beasley, Wallace, Bird, Collins, Cowen, Sparkman, Lewis, Stewart of Jasper, Dunn, Driggers, Irwin, Winfree, Avis.

The resolution was read second time.

Mr. Davenport moved that the resolution be referred to the Committee on State Affairs.

On motion of Mr. Carter of Coke, the motion of Mr. Davenport was tabled.

Question—Shall the resolution be adopted?

Mr. Satterwhite raised a point of or-

der on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

BILL AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

S. B. No. 28, "An Act creating the Kerrville Independent School District, in Kerr county, Texas, out of the territory known as the Kerrville Independent School District, organized under the general laws, and other adjacent property thereto in said county and including within its boundaries the municipal corporation of the city of Kerrville; providing for a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes; and repealing all laws in conflict with this act, and declaring an emergency."

S. C. R. No. 8, Relating to Orient Railroad.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, January 22, 1923.

To the Senate and House of the Thirty-eighth Legislature:

In keeping with my statement when I addressed the joint meeting of the Senate and House some days ago, I now make to you a report concerning the work of the State Text Book Commission for the past two years. In order to provide the children of Texas with free text books from which, by proper direction, they would glean the fundamentals of education to guide them through life, the citizens of this State, in the year 1918, adopted the following amendment to our Constitution:

"Providing for the levy of a specific school tax for the maintenance of the public schools of the State and to provide free text books in the public schools of the State of Texas."

The object of this amendment, as it clearly appears on its face, was to fur-

nish free text books to the school children and to levy a special tax for the purpose of securing the necessary funds therefor. For this purpose a special ad valorem tax of 15 cents on each one hundred dollars valuation of property was levied. It was directed that any residue of the fund so created which was not necessary to be used for the purchase of text books for children, should remain to the credit of the available school fund. It is grossly erroneous to say either directly or by implication that the funds necessary to supply text books and used for said purpose are deviated from their intended or original purpose. Acting upon the constitutional mandate of the people, the Legislature enacted what is known as the Free Text Book Law, in order that the children might be supplied with free text books. Intent upon safeguarding the interests of the State and with a view of giving the school children the best books possible, the Legislature provided that the primary administration of the Free Text Book Law should be in the hands of the leading educators of the State. Therefore, the President of the University of Texas, the President of the A. and M. College, the President of the College of Industrial Arts, the President of the Southwest Texas State Normal College, and the State Superintendent of Public Education, were, as a board, directed to select and name those persons who were, in their judgment, best fitted and qualified as educators to examine, select, and purchase the text books pre-eminently essential and best suited to the education of the children of the State.

The Personnel of the Present Text Book Commission.

Through the wisdom of the above named heads of Texas higher educational institutions, the following teachers were by them nominated and later named by the Governor, as provided by law, as constituting the Text Book Commission for the years 1921 and 1922, namely:

H. D. Fillers, Superintendent of Schools of Corsicana.

Ed R. Bentley, Superintendent of Schools of McAllen.

L. E. Dudley, Principal of the High School of Abilene.

Bonner Frizzell, Superintendent of Schools of Palestine.

O. A. Fleming, Superintendent of Schools of Freeport.

Wesa Weddington, Teacher in the High School of Bryan.

Elizabeth Nixon, Teacher in the Schools of Amarillo.

Paula Henry, Teacher in the Schools of Marshall.

The Governor is by law an ex-officio member of the Commission and is designated in the law as Chairman. The law also makes the Superintendent of Public Education an ex-officio member of the Commission. Miss Blanton as the Superintendent disqualified as a member of the Commission because she was the author of two text books. The law provides that the Governor shall fill by appointment all vacancies. To fill the place made vacant by the disqualification of Miss Blanton, I appointed, at her suggestion, Miss Catherine Gray of the Department of Education. She declined to serve, and at the further suggestion of Miss Blanton, I named Miss Elizabeth Nixon of Amarillo as a member of the Commission, Miss Nixon being on the list of teachers presented to me for appointment by the heads of the institutions of learning herein above mentioned.

The Commission's First Session.

The Commission thus organized had its first session in the fall of 1921. At that time there was in use as free text books purchased by the Text Book Commissions that preceded the present Commission, 123 separate volumes. These 123 books constituted the free text book list for use in the public schools that had been purchased by previous Text Book Commissions at a cost of \$3,594,778.90. The present Commission at its first meeting in 1921 was required under the law to either renew old contracts or make new contracts for purchase and use of six text books. The Commission had at its disposal for the purpose of buying new books, approximately \$4,000,000. The Commission at this meeting renewed all the contracts except one and that was a small contract that took only \$67,000 out of the available \$4,000,000. The remaining \$3,933,000 was left, as provided by law, in the available school fund. Among the expiring contracts at this meeting, were the two contracts in regard to the purchase of arithmetics and geographies. The Commission renewed each of these contracts for one year. No one of the Commission, however, at this time was willing to renew the contract on either the geography or the arithmetic for a longer term than one year. The consensus of opinion being as expressed by the members of the Commission, that

the children of the State were entitled to better arithmetics and better geographies than those at that time in use, but wanted to retain them for another year, as they had been used as free text books only three years and as a matter of economy the Commission voted that those books should be used by the State another year.

The Second Meeting of the Present Commission.

The Commission had its second and last meeting in December, 1922. At this meeting the Commission had to either renew old contracts or make new contracts for sixteen text books, which number included the expiring contracts made at the previous meeting of the Commission for the purchase of arithmetics and geographies. The Commission had again at its disposal for the purchase of books approximately \$4,000,000. It renewed eight of the contracts and made eight new contracts for the purchase of new and different books.

Of the eight new contracts made, three required an expenditure of approximately one million dollars. The five other changes, mostly supplementary readers, are at prices of only slight variance from those of renewal contracts; and since quantity of purchase of volumes of these five changes depends on the option left to teachers in Texas schools where free text books are used, it is impossible at this time to estimate the expenditure which will be necessary. I desire, however, as a matter of information, to make a detailed and specific report to the Legislature of all facts in my possession concerning the three text books changed which required such a large expenditure, without an argument as to the merits or demerits of the books designated to be purchased under the new contracts requiring the sum of approximately \$1,000,000.

Text Book on Agriculture.

For some years there has been taught in the public schools of the State a book on agriculture at the cost of 85 cents per volume. This contract could have been renewed at the same price for any reasonable term of years. The Commission made a new contract for six years for a work on agriculture prepared by E. J. Kyle, Dean of Agriculture of the Texas A. and M. College, and his associated colleagues of that institution, and Dr. A. C. Ellis and his

associated colleagues of the University of Texas. It was contended by the Commission that the authors of the new book dealt exclusively with Texas soil, Texas climate, Texas farm and ranch life, Texas problems, Texas homes, and Texas people; that the book was strictly a Texas book for Texas children. The old text, it was pointed out as a matter of illustration, has only three and one-half pages and three illustrations dealing with the sheep and goat industry. The newly adopted text has 19 pages and 22 illustrations on this important Texas subject. The old text has only 27 pages and 25 illustrations devoted to the cattle industry. The new text has 55 pages and 30 illustrations on this subject. The old text does not have a single illustration from the work of our A. and M. College and experimental stations, but takes them mainly from work done by northern and eastern institutions, where climatic and other conditions are very different from what they are in Texas. The new text takes a large part of its concrete examples and pictorial illustrations from Texas farms and ranches, and from the scientific studies made in the Texas A. and M. College and other Texas institutions.

Seven of the eight teachers who composed the Commission, who had taught the old text, voted for this change. I did not vote for reasons hereinafter stated. The exchange price, that is, where one of the books now in use is exchanged for a new book, is 90 cents per volume; without exchange, \$1.10 per volume. The 5 cents or the 25 cents extra cost per volume was not the only thing, perhaps, that the Commission had in mind in making the change. The Commission was of the opinion, so they said, that the children of Texas were entitled to the best book on agriculture and country problems available.

Third Grade Geography.

The Commission purchased for the small children of the State a third grade geography. This was an outright new purchase. The question of the renewal of an old contract was not connected with this purchase. The Commission was of the opinion, as I recall their discussion when this matter was up for consideration, that a primary geography should be bought for the small children, those not sufficiently advanced to study the advanced geographies such as had been for years used

in our public schools. They pay for this third grade geography sixty-six and four-fifths cents per volume after deductions as provided by law and as hereinafter explained. All eight of the teachers on the Commission voted for the purchase of this book. They made the contract for six years. As to whether or not the school children of the State needed this book, is a matter of individual opinion. Not being a teacher, or familiar with the school-room, I am not in position to know the importance of buying this geography.

A New Contract Made for Arithmetics.

One of the largest and most expensive contracts made by the last Commission was in regard to the contract made for the purchase of arithmetics. As heretofore stated, the contract for arithmetics had been extended by the Commission at its first meeting for one year. It was, therefore, up for consideration again at its second meeting.

The arithmetics in use consisted of two volumes. The old books could have been purchased at a price of fifty-three cents per volume for book one, and eighty-six cents per volume for book two of the arithmetics. This series of arithmetics had been used by Texas as free text books four years. Seventy-seven and one-quarter per cent, or 789,202 volumes, of the arithmetics in use under the old contract had been purchased and had been used for four years. It is generally conceded by educators that when a child uses a book four years it is about worn out. Some teachers claim that three years is the life of a book and others claim five years is the life of a book. Four years seems to be the conservative estimate. Seventy-seven and one-quarter per cent, therefore, of the children of the State would have required a new book purchased for them for this coming year. The Commission compared the cost to the State for supplying each child with a new copy of the old book now in use, with the cost for supplying each child with a copy of a new but different arithmetic from the one which had been for four years in use. The arithmetic in use consists of two volumes. The old arithmetic above quoted at a price of fifty-three cents per volume, minus deductions as provided by law and herein explained, was used in the third and fourth grades. The other volume, which was used in the fifth, sixth and seventh grades, was bought

at eighty-six cents per book, less deductions. The new series of arithmetics consists of three volumes. The volume used for the third and fourth grades was contracted for at sixty cents per book; this book, however, costs the State only, after deducting the four cents exchange allowance provided for in the contract, and the ten per cent rebate and one per cent gross receipts tax, each provided for by law, forty-nine and nine-tenths cents per book. This is the actual net price paid by the State for each book purchased. The arithmetic used in the fifth and sixth grades, after the reductions as above stated, costs the State fifty-seven cents per book, and the one used in the seventh grade, after reductions, costs the State sixty and three-fifths cents per book.

There are enrolled in the third, fourth, fifth, sixth and seventh grades of our public schools, 622,053 students. If the life of a book, as used in our public schools, is four years, and seventy-seven and one-fourth per cent of the arithmetics had already been used four years and the remaining per cent mostly from two to three years which would necessarily have necessitated the purchase of a new book under the old contract for almost every student, the cost of purchasing these books under the old contract, if renewed, would have aggregated, after reductions as provided by law, \$390,991.64. To purchase a new arithmetic under the new contract as made by the Commission for these said grades, is \$325,616.99. This is a saving to the State of Texas by the purchase of a new series of arithmetics of \$65,374.65. The number of students in the respective grades as above given was compiled by the Department of Education. The price per volume under the old contract and the new is a matter of official record. The calculation is merely a mechanical process. I present the conclusion reached by the Commission that, other things being equal, a three-series book is cheaper than a two-series.

In regard to the adoption of the arithmetic, desire to say that after the representatives of the various book companies had presented the merits of their respective arithmetics, the Commission had an informal executive session to discuss the merits and demerits of the several arithmetics. A number of unofficial votes were taken by the eight teachers on the Board as to what book

they should select. No one book could get six votes, the required number necessary to make a selection. The records show that only two out of the eight teachers composing the Commission were for the arithmetic that had been under contract in use for four years. The other six members claimed a change of some kind should be made. It was up to the Commission either to renew the old contract or make a new one. It was necessary to make a purchase of arithmetics for the coming year. After the matter had been considered at this meeting for some time and it was impossible to get six votes for any one book, I stated as chairman that I would vote for any arithmetic that could muster five votes on the Commission. In this voting it developed that one of the new books had five votes. I promised to join these five votes on the Commission when the official ballot was taken. The official written ballot was then ordered on the selection of an arithmetic and the arithmetic that had the promise of six votes in the round table discussion, including mine, on final ballot received seven votes. The books were adopted and contract made for six years. Now as to whether or not the Commission should have made the contract for this book or whether they should have renewed the contract for the old book, or should have selected some other book is a matter about which there are necessarily various opinions. These facts I present for your consideration.

Contract for Geographies.

In regard to the selection of a geography, the following record from the minutes of the Commission is presented as follows:

A motion was made by Mr. Bentley and seconded by Mr. Dudley, that the Commission take up the matter of adopting a geography according to the original bids. Motion carried. The subject of geography was discussed and the representatives invited in to hear the result of the votes.

First Ballot.

E. Nixon—Brigham McFarlane Essentials.

Paula Henry—Brigham McFarlane.

O. A. Fleming—Human Geography.

H. D. Fillers—McMurry-Parkins.

Wesa Weddington—Tarr-McMurry.

L. E. Dudley—Brigham McFarlane.

Bonner Frizzell—Tarr-McMurry, one year.

Ed R. Bentley—Essentials of Geography, Brigham McFarlane, gradual introduction.

Second Ballot.

Ed R. Bentley—Brigham McFarlane, gradual introduction.

L. E. Dudley—Brigham McFarlane.

O. A. Fleming—Human Geography.

E. Nixon—Brigham McFarlane.

Wesa Weddington—Tarr-McMurry.

H. D. Fillers—McMurry-Parkins.

Bonner Frizzell—Tarr-McMurry, one year.

Paula Henry—Brigham McFarlane.

Third Ballot.

H. D. Fillers—McMurry-Parkins, Upper Book; Human Geography, Lower Book.

Bonner Frizzell—Tarr-McMurry, one year.

L. E. Dudley—Brigham McFarlane.

O. A. Fleming—Brigham McFarlane, gradual introduction.

Ed R. Bentley—Brigham McFarlane, gradual introduction.

Paula Henry—Brigham McFarlane.

Wesa Weddington—Tarr-McMurry.

E. Nixon—Brigham McFarlane.

Fourth Ballot.

Bonner Frizzell—Tarr-McMurry, one year.

H. D. Fillers—Human Geography, Lower Book; McMurry-Parkins, Upper Book.

Wesa Weddington—Tarr-McMurry.

Paula Henry—Brigham McFarlane.

L. E. Dudley—Brigham McFarlane, gradual introduction.

O. A. Fleming—Brigham McFarlane, gradual introduction.

Ed R. Bentley—Brigham McFarlane, gradual introduction.

E. Nixon—Brigham McFarlane.

Fifth Ballot.

E. Nixon—Brigham McFarlane.

Wesa Weddington—Tarr-McMurry, one year.

Paula Henry—Brigham McFarlane.

O. A. Fleming—Brigham McFarlane, gradual introduction.

L. E. Dudley—Brigham McFarlane, gradual introduction.

Ed R. Bentley—Brigham McFarlane, gradual introduction.

Bonner Frizzell—Tarr-McMurry, one year.

H. D. Fillers—Human Geography, Lower Book; McMurry-Parkins, Upper Book.

After the conclusion of five ballots without a majority of six votes for any one book, a motion was made by Mr. Dudley that the Commission have an executive session. Mr. Fillers stating his reason for moving that the Commission have an executive session was that they might consider a compromise vote on the geography; that he was personally willing to vote for a readoption of Tarr & McMurry for one year or for a split with McMurry-Parkins & Smith, or with McMurry-Parkins and Brigham & McFarlane, or with Smith and Brigham and McFarlane. Motion carried and the representatives were excused from the room.

A motion was made by Mr. Frizzell to adjourn to 8 o'clock p. m. stating that he considered the adoption of geography one of the most important questions that had been before the Commission, and that same required some discussion; that the facts should be analyzed before taking a final vote on the matter. He stated that the price of the books being adopted by the Commission were much higher than those in use. He pointed out that the Brigham McFarlane priced much higher than the Tarr-McMurry book, and that in view of the fact that the State had a large supply of these on hand it would considerably increase the expenses of the State on the subject of geography by adopting the Brigham McFarlane book. The motion lost for want of a second.

The Governor stated that he would not vote except in case of a tie or in order to make a selection. He asked Miss Weddington if there was a possibility of her making a change in her vote, and she said there was not. He asked Mr. Frizzell if he would consider compromising with any other five people on any one book, and he said he would not change his vote from Tarr-McMurry. He in turn asked Mr. Fillers if there was a possibility of his changing his vote, and he replied that there was not. The representatives were again invited into the Commission room and the following votes taken.

Sixth Ballot.

H. D. Fillers—Human Geography, Book 1; Brigham McFarlane, Book 2.

Bonner Frizzell—Tarr-McMurry, one year.

E. Nixon—Human Geography, Book 1; Brigham McFarlane, Book 2.

Ed R. Bentley—Human Geography, fourth; Brigham McFarlane, 5, 6, 7.

Wesa Weddington—Tarr-McMurry.

Paula Henry—Brigham McFarlane.

O. A. Fleming—Human Geography, Book 1; Brigham McFarlane, Book 2.

L. E. Dudley—Human Geography, Book 1; Brigham McFarlane, Book 2.

Seventh Ballot.

L. E. Dudley—Tarr-McMurry, one year.

Wesa Weddington—Tarr-McMurry.

Paula Henry—Brigham McFarlane.

E. Nixon—Brigham McFarlane.

Bonner Frizzell—Tarr-McMurry, one year.

H. D. Fillers—Human Geography, Book 1; Brigham McFarlane, Book 2.

O. A. Fleming—Human Geography, Book 1; Brigham McFarlane, Book 2.

Pat M. Neff—Brigham McFarlane, gradual introduction.

Ed R. Bentley—Brigham McFarlane, 5, 6, 7; McMurry-Parkins, fourth.

Eighth Ballot.

Bonner Frizzell—Tarr-McMurry, one year.

O. A. Fleming—Brigham McFarlane, gradual introduction.

Paula Henry—Brigham McFarlane.

Wesa Weddington—Tarr-McMurry.

L. E. Dudley—Brigham McFarlane.

Ed R. Bentley—Brigham McFarlane, gradual introduction.

Pat M. Neff—Brigham McFarlane, gradual introduction.

H. D. Fillers—Brigham McFarlane, Book 2; Human Geography, Book 1.

E. Nixon—Human Geography, Book 1; Brigham McFarlane, Book 2.

Ninth Ballot.

Wesa Weddington—Tarr-McMurry.

Bonner Frizzell—Tarr-McMurry.

H. D. Fillers—Human Geography.

O. A. Fleming—Brigham McFarlane.

L. E. Dudley—Brigham McFarlane.

Ed R. Bentley—Brigham McFarlane, gradual introduction.

Pat M. Neff—Brigham McFarlane, gradual introduction.

Paula Henry—Brigham McFarlane, gradual introduction.

E. Nixon—Brigham McFarlane, gradual introduction.

There being six votes for the Brigham McFarlane book, it was adopted by the Commission. A motion was made by Mr. Bentley and seconded by Miss Nix-

son, that the adoption be for six years. Mr. Frizzell amended the motion to the effect that the adoption of geography be for a period of five years. Mr. Dudley seconded the amendment. Five people were in favor of the amendment, three for the motion. Amendment carried. The Commission adjourned to meet at 9 o'clock.

The above extracts from the minutes speak for themselves as to how the geographies were selected.

Book Purchases Made With Five-Year Period in View.

In considering the initial cost to the State not only in the purchase of the geographies, but in regard to all the changes made, it will cost the State during the next year, approximately \$1,400,000 for new text books. It should be remembered, however, that in supplying the 1,000,000 school children with all the necessary school books the State has undertaken a tremendous task and one that necessarily entails a vast expenditure of money whether new books be supplied or old ones retained, for necessarily the old books must be replaced as they wear out and become discarded. In considering the financing of such a gigantic program as the State book bill presents, one should not take a short-sighted view. It is not only a question of what the cost of our books will be for one year, but what is the aspect of the program when we view it in the light of several years to come.

By constitutional enactment, the people of Texas are placing the responsibility upon the State to furnish free text books to the school children not only for next year, but for all the years to come. At least until the fundamental law of the land is changed. Therefore, in studying the program of the furnishing of free text books, we must think of it not only as for one year, but study it in the light of the future. Assuming that a school book will last a child five years, which would be considered as the maximum, it then appears that the State will be compelled within a period of five years from now to replace every book which is now in use, even if all the books now in use were new. Take for example the old geographies now in use and basing the expense to the State for geographies for the next five years upon the present contract price and the present scholastic census. See what kind of an investment the State has in this

particular book. The present contract price on old geographies is eighty-five cents for volume one which is used in the fourth and fifth grades, and \$1.25 for volume two which is used in the sixth and seventh grades. The latest scholastic census shows 140,323 pupils in the fourth grade; 124,636 pupils in the fifth grade; 109,253 in the sixth grade and 96,824 in the seventh grade. Then by simple mathematical calculation we see that the cost to the State for a period of five years would necessarily be, after reductions as provided by law, not less than \$430,184.90 in order to supply our school children with the old geographies. Allowing \$1.33 as the price of volume one of the new geographies, which will be used in the fourth and fifth grades, and \$1.87 as the price for volume two of the new geographies, which will be used in the sixth and seventh grades, and assume the life of the new books to be five years and taking the present scholastic census as the basis of calculation, we see that the expense to the State for a period of five years would not exceed, after legal deductions, \$608,029.81 in order to supply our school children with the new geographies. By dividing the difference between the total cost of the old books for five years, and the total cost of the new books for five years by five, we find the additional cost to the State of the new geographies will be \$35,568.97 per year more than the cost of the old geographies. Therefore, when we take a far-sighted view into comparative costs, we see that the estimated cost of approximately \$608,000 for the change in geographies alone is less in reality than \$36,000 per year. For this additional expenditure 471,036 Texas boys and girls will have the benefit during the coming five years of a geography which was, and is, in the opinion of the eight teachers on the Text Book Commission, the best geography that was offered to the Commission for their consideration. I feel safe in making this statement for the reason that those who did not vote for the geography under the new contract did not hesitate to express themselves in favor of it but did not feel inclined to vote for it for financial and other reasons which they frankly stated to the Commission. The selection of a new geography in preference to the re-contracting for the old geography places an additional expenditure of seven and one-half cents a year for each pupil in the State who uses the geography. It

was contended by the teachers who favored the selection of this new book that the old book had been in use in the public schools for ten years; that Texas had purchased it under contract for four years as a free text book and that during the life of the geography many a national boundary line had been changed and that the tables of production and population as presented in the old geography had become antiquated and inaccurate and that the selection of a new geography was a necessity. As a layman, I felt at all times a hesitancy in contending that the teachers selected to compose the Text Book Commission were wrong in their contentions as to the respective merits or demerits of a set of books such as constitute either the old or the new arithmetics and geographies. One must necessarily study these books in the schoolroom and observe from year to year their inaccuracies, if any there be, in connection with presenting the work as a teacher to the pupils. In studying the free school book problem, we should not overlook the fact that the State is to keep on supplying the school children with books and when we take into consideration the fact that all books now in use will have to be replaced within a period of five years on account of natural wear and tear, it clearly appears that the difference in expense to the State for its book bill over a period of five years is primarily the difference between the contract price of the old series and the contract price of the new series. While the State is this year spending \$1,400,000 for new books, this investment is not made for one year, but for a period of years. Sometimes it is hard to know whether you should spend a dollar and have an old pair of shoes half soled and wear them two months longer, or whether you should spend \$10 for a new pair of shoes and wear them eighteen months or more. So the Commission in passing on the purchase of arithmetics and geographies was called on to decide whether or not it would be better to discard the old books that had been used for years, or purchase a new set. As to whether or not the Commission used good judgment is a matter on which there are, of course, various opinions. It was first voted that these books should be exchanged gradually—that is, that the new books should at first be made to take the place of the old books and that all the old books should be used as long as they were serviceable. The Superintendent-elect of

Public Education advised us, however, that, as a practical proposition under the present law, this could not be done.

As a matter of information, your attention is called to the fact that no money is to be paid out for these books from present available school funds, as no money on these contracts will be paid out until after the beginning of the next fiscal year, September 1, 1923. While a large sum of money will be paid out in the fall of this year for new books, the investment is made for a number of years.

It is proper to here record that each contract made had, as to form and legality, the endorsement of the Superintendent of Public Education and the Attorney General of Texas.

Conclusion.

As ex-officio member and chairman of the Text Book Commission, I am not required, nor is the Commission required, to make any report to the Legislature. The Commission has vested in it by law the discretionary authority to examine, select and make contracts for all the free text books used by the children of Texas. Knowing, however, the interest you feel in the educational affairs of the State, and as a matter of general information, I thought proper to present to you whatever facts I had in my possession as to the work of the Commission for the years 1921 and 1922. In submitting this report, certain questions naturally arise which are passed to you for your legislative consideration:

First. Is the present method of selecting those who compose the Text Book Commission the wisest and best way to name those who are thus to serve?

Second. After a book has been contracted for as a free text book, should the State at any time thereafter make a selection of another and different series of books to take the place of the ones first contracted for?

Third. If it is thought wise to change at any time from one set of books to another, should the new books be all put in at once, or should the new books be gradually introduced; that is, should the new books be put in place of the old ones as they wear out?

Fourth. Is the present law in regard to the submission of bids for the furnishing of books to the State the best method that can be pursued with a view of making the best contract possible for the State?

Fifth. Did the present Text Book Commission follow the law in the adoption of the new books selected by them

and in the renewal of the contracts for the old books?

Sixth. Did the Text Book Commission do violence to the discretionary power invested in them by the law in making the changes they did make at either or both of the sessions held by said Commission?

Seventh. Should any of the special fund raised under the constitutional amendment providing for money with which to purchase free school books be used at any time for the purchase of any new set of books to take the place of the books previously contracted for by the State?

Eighth. Should the law be changed so that the Text Book Commission would meet only every two years, said biennial meeting to be held a short time prior to the convening of the Legislature, so that the Legislature could review the Commission's contemplated purchases of free text books and pass on the wisdom of the Commission's selection?

Ninth. Is the State purchasing too many text books, or too many supplemental readers, for free use by the children of the State?

Tenth. Should the Text Book Commission be permitted to make contracts for the purchase of books for only one or two years, or should the Commission, when they make a contract, be required to make it for not less than five years?

Eleventh. Should the Governor of Texas, present or future, who may or may not be a school man, who may or may not have time to study the several hundred books presented at each meeting of the Commission, be made as a matter of law an ex-officio member of this Text Book Commission, for the study, selection and purchase of free text books that necessarily involves, whether old contracts are renewed or new contracts are made, the expenditure of vast sums of money, when by so serving he is greatly crippled in his real duties as Governor by the stigma and the unfavorable criticisms that always attach to his name in regard to the purchase of books, irrespective of what he may or may not do as a member of said Commission?

Confidence in Board.

I would be untrue to my natural impulses if I closed this report to your honorable body without expressing my full faith and confidence, individually and collectively, in the present Text Book Commission. They may not have done as you or I would have done; they may not at all times have pursued the wisest

course, but it is my firm conviction that they were at all times honest, sincere and true as to the trust reposed in them.

If I can be of any assistance to the Legislature in furnishing any additional facts or information in my possession not included herein, please advise me. I shall hold myself at all times subject to your command.

Respectfully submitted.

PAT M. NEFF,
Governor.

RELATING TO FREE TEXT BOOKS.

The Speaker laid before the House, as postponed business, for consideration at this time.

H. C. R. No. 4, Providing for an investigation of the recent contracts let by the Texas State Text Book Commission, providing how such investigation shall be conducted, and providing how the result of such investigation shall be used.

With the following amendment by Mr. Purl pending:

"Investigate all book purchases and contracts for last ten years."

On motion of Mr. Greer, the amendment was tabled.

Mr. Abney offered the following amendment to the resolution:

Amend the resolution by striking out paragraph beginning "Resolved by the House of Representatives" and insert in lieu thereof: "Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Speaker of the House of Representatives and the Lieutenant-Governor shall select a committee composed of five members of the House of Representatives and three members of the State Senate, who shall jointly conduct an investigation of the acts of said Text Book Commission in letting such contracts to determine if such contracts were justified."

The amendment was adopted.

On motion of Mr. Melson, further consideration of the resolution was postponed until next Thursday.

RECESS.

Mr. Barker moved that the House recess until 2 o'clock p. m. today.

Mr. Greer moved that the House recess until 4 o'clock p. m. today.

The motion of Mr. Barker prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 17 ON THIRD READING.

On motion of Mr. Rountree, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 17, A bill to be entitled "An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency."

The Speaker laid the bill before the House, and it was read third time.

Mr. Rountree offered the following amendment to the bill:

Strike out the letters "bsses," being the fifth word in Section 4 of the engrossed bill, and insert in lieu thereof the word "losses."

Signed—Rountree, Shires.

The amendment was adopted.

Mr. Perdue offered the following amendment to the bill:

Amend House bill No. 17 by inserting after the word "act," in line 19, page 1, "and providing also that a special tax of three cents per acre for the current years 1923 and 1924 is hereby levied upon all lands lying within the watersheds herein contemplated to be surveyed that are subject to damage by the flood waters of their respective rivers and that the proceeds of such taxes be turned into the general revenues of the State."

Mr. Quaid raised a point of order on consideration of the amendment at this time on the ground that the amendment proposes to amend the caption only and does not propose to amend the body of the bill.

The Speaker sustained the point of order.

Mr. Jones moved the previous ques-

tion on the pending bill, and the main question was ordered.

Question recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 17 was passed by the following vote:

Yeas—65.

Amsler.	Lane.
Arnold.	LeStourgeon.
Baker of Milam.	Lewis.
Baldwin.	Lusk.
Bell.	McDonald.
Blount.	Martin.
Bobbitt.	Maxwell.
Carpenter	Merriman.
of Dallas.	Miller.
Carpenter	Montgomery.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Coke.	Pate.
Carter of Hays.	Patterson.
Coffee.	Perdue.
Covey.	Pope.
Cowen.	Potter.
Culp.	Quaid.
Davenport.	Rountree.
DeBerry.	Rowland.
Dielmann.	Russell
Driggers.	of Callahan.
Duffey.	Sackett.
Dunn.	Satterwhite.
Durham.	Shearer.
Edwards.	Shires.
Frnka.	Simpson.
Green.	Stewart
Greer.	of Edwards.
Hardin of Erath.	Stewart of Reeves.
Hendricks.	Sweet.
Irwin.	Turner.
Jacks.	Wells.
Jones.	Williamson.
Kemble.	Winfree.

Nays—52.

Abney.	Hardin
Atkinson.	of Kaufman.
Avis.	Henderson
Barker.	of Marion.
Barrett.	Henderson
Beasley.	of McLennan.
Bird.	Howeth.
Bryant.	Jennings.
Cable.	Laird.
Collins.	LeMaster.
Crawford.	Looney.
Davis.	McBride.
Dinkle.	McDaniel.
Dodd.	McFarlane.
Downs.	McKean.
Faubion.	Mathes.
Fields.	Melson.
Finlay.	Merritt.
Harris.	Moore.

Patman.	Strickland.
Pinkston.	Stroder.
Price.	Teer.
Sanford.	Thompson.
Sparkman.	Wallace.
Stell.	Westbrook.
Stevens.	Wessels.
Stewart of Jasper.	Young.
Storey.	

Present—Not Voting.

Loftin.

Absent.

Bonham.	Purl.
Dunlap.	Quinn.
Fugler.	Rice.
Gipson.	Robinson.
Harrington.	Russell of Trinity.
Lackey.	Smith.
Morgan	Stiernberg.
of Liberty.	Thrasher.

Absent—Excused.

Baker of Orange.	Lamb.
Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rogers.
Houston.	Vaughan.
Hughes.	Wilmans.
Hull.	Wilson.
Johnson.	

Reason for Vote.

I vote "nay" on House bill No. 17 because I do not believe this House should pass any measure carrying such a large appropriation until we have made some provision for the relief of our public schools. I think the bill meritorious.

FINLAY.

Mr. Rountree moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Jones, House bill No. 241 was ordered not printed.

On motion of Mr. Faubion, House bill No. 225 was ordered not printed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 85, A bill to be entitled

"An Act to amend Article 4113, Chapter 8, Title 64, of the Revised Civil Statutes of Texas, providing for the return of an inventory and appraisal of the estate of a minor and where such inventory and appraisal show such estate to be of the value of \$1000 or less; authorizing a guardian to control, manage, or dispose of all or any part of the same without further application or order from the probate court, and declaring an emergency," with engrossed rider.

Respectfully,

RICHARD BLALOCK.

Assistant Secretary of the Senate.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, January 22, 1923.

To the Members of the Thirty-eighth Legislature:

A few days ago I indicated that a message would be sent to you disclosing fully the condition of the State prison system, together with some recommendations from me. That message will be forthcoming in the near future, but at this time it is necessary that I present for your immediate and preferred attention an emergency matter pertaining to the system.

About the first of January, 1922, the prison system was confronted with a serious situation. The Thirty-seventh Legislature, during its First Called Session, as is usual and as required by the Constitution, made an appropriation of the proceeds of the penitentiary system for the years ending August 31, 1922, and 1923, respectively, to be used for the maintenance of the institution for said years. Due to unfavorable crop returns and the harvest of 1921, at the beginning of the calendar year 1922 a deficit for support and maintenance of the institution existed in the approximate amount of \$200,000. It was estimated that for the actual support and maintenance of the institution until the 1922 crops should be harvested, additional expenditures of about \$80,000 per month would be necessary. Consequently, to meet the then existing deficit of \$200,000 and to finance the institution until the proceeds of the crops should be available would involve mak-

ing some kind of arrangement for approximately \$750,000.

For this unfortunate condition no one was responsible. The Legislature had made the usual appropriation of the crop proceeds calculated to be sufficient for the current needs of the system, but due to unforeseen crop failures there was no surplus, but, in fact, a deficit, after the harvest of 1921, and the appropriation of the 1922 crops could not be available until the fall of 1922.

The Board of Prison Commissioners and your Governor gave thoughtful consideration seeking the best means of relieving the situation.

The Constitution imposes on the Board of Prison Commissioners the duty of seeing that the system is maintained. Humanity and good morals impose the higher duty and obligation on the Board of Prison Commissioners and on the Governor to see that the employes are paid and that the inmates of the institution are fed and clothed. These obligations are absolute. The one thing that could not be done was to discontinue the operation and maintenance of the system. Three methods presented themselves to me as Governor:

First. The Governor may, on extraordinary occasions, convene the Legislature. This might have been done for the specific purpose of submitting to the Legislature the question of appropriating money from any available funds to defray the expenses of the prison system.

Second. The Board of Prison Commissioners could have issued its vouchers to evidence indebtedness for labor performed, materials and supplies furnished, and for the conduct, support and maintenance of the institution, which vouchers could have been held by the creditors or their assigns until said vouchers should be paid out of funds derived from the proceeds of the prison system after the harvest of crops.

Third. The Attorney General advised the Governor and the Board of Prison Commissioners that the board could legally contract for the advancing of funds to take up its vouchers legally issued for support and maintenance of the institution, and that it might pay interest for the use of said money, and that said obligations thus incurred would be binding.

At that time I considered these methods and mentally disposed of them in the order named.

I hesitated to involve the State in the expense of calling an extraordinary session of the Legislature, causing a probable outlay of approximately \$100,000. I feel also that it would be a burden to the great majority of the members of the Legislature to call them to Austin at the busy time of the year if such could be reasonably avoided. The calling of the Legislature for this purpose would have entailed further delay and embarrassment in meeting the matured obligations of the system in providing for the actual food and clothing for the wards of the State. Other difficulties presented themselves; not one of the least of these was the depleted condition of the Treasury and its inability to provide funds to be immediately available for this purpose. This condition is now apparent.

If the second method named had been pursued it would have been necessary that the employes of the system and the tradesmen furnishing supplies sell their vouchers so as to realize cash, and of necessity would have been forced to take such discounts as the purchaser would impose. The small employe would thus be deprived of a large portion of his modest income. The large merchant would decline to deliver his goods except at such an increase of price as would justify the discount. It is evident that if this method had been followed it would have resulted in the paying by the system of a great deal more in excess prices than a reasonable rate of interest on borrowed money.

The remaining method was to procure the funds from an outside source sufficient to take up and cash, for the various creditors, the vouchers issued and to be issued by the system for the current year. After mature deliberation, the Board of Prison Commissioners and the Governor decided upon this course.

For several weeks we made effort to procure the necessary funds through the banks of the State. During all of this time the Board of Prison Commissioners and the Governor had the full co-operation of the State Department of Banking and the Attorney General and the several banks of the State, but it finally developed that the loan could not be procured from the banks at that time on account of the country's strained financial condition, which made a loan of this character ineligible for rediscount through regular banking channels.

On invitation, a proposition was submitted by the Brown-Crummer Invest-

ment Company of Wichita, Kansas, and Dallas, Texas, to furnish the funds necessary to meet the current needs of the prison system to keep said funds available in the State Treasury sufficient to take up and pay off vouchers for actual support and maintenance of the prison system as and when issued.

The Board of Prison Commissioners did not pay, nor did it obligate itself to pay, any expense whatsoever for the furnishing of said money other than the straight rate of interest at seven per cent. No commissions or fees were asked or paid.

When arrangements had been made for furnishing said funds, we placed every safeguard reasonably conceived around the funds so that they would be conserved and expended only for actual necessities of the institution. Not one dollar of these funds was expended until after vouchers had been approved by the Board of Prison Commissioners, after the several accounts had been duly audited, nor until the several vouchers had been examined and approved by the Governor and filed with the Treasurer. The Treasurer was instructed not to pay any voucher until it had been especially approved by the Board of Prison Commissioners and by the Governor. And the State Treasurer has on file at this time a complete list of the vouchers covering the expenditures of every dollar of the whole amount furnished, to wit, \$750,000, so that any taxpayer in the State of Texas, and the people who furnished the money, can at all times point out specifically the supplies, the pay roll, the feed stuffs, etc., which were actually purchased by the Board of Prison Commissioners with the money thus procured.

I invite your inspection of each and all of the vouchers for which these funds were advanced. You may be assured that not one dollar of this money was used for other than those things essential for the sustenance and protection of our unfortunate wards.

As will be more fully set forth in my general message on the condition of the prison system, the overflow and other unforeseen contingencies cut short our crops for the year 1922. Furthermore, the prison population has increased approximately 1200 during the past two years. At this time there is to the credit of the prison system approximately \$95,000 in money and the system has on hand sugar and cotton undisposed of in the approximate amount of \$80,000. There have been issued and

are in process of issuance vouchers for current expenses in the approximate amount of \$160,000, so it is evident that the prison system is not in funds to meet the maturing obligations.

On February 1st, the loan of \$750,000 will mature. If it is not paid at that time, or if other arrangements have not been made by that time, the obligation will be in default. It was my intention to ask the Legislature to make an immediate emergency appropriation to liquidate the obligation. I hesitate to embarrass you with such a request now, due to the unfortunate present condition of the Treasury. We are confronted with a serious limitation as to time, still your body is so composed as to covet the performance of great tasks. Since you are in session, I feel that the Board of Prison Commissioners should not take any action in a matter of this magnitude without advising you as to conditions and seeking your specific authority and approval.

It is not convenient to include in this message a complete transcript of the proceedings leading up to the consummation of the \$750,000 loan. I have submitted herewith not as a part of the message proper a complete transcript which may be used for such purposes as you see fit.

Under the circumstances, if it is deemed inadvisable, and I am forced to such conclusion, to make an emergency appropriation to pay off this loan, I believe that the State should negotiate another loan extending over a period of two years, with option of payment after one year, for a like sum of money, in order to have funds on hand to meet said notes when they mature. It is certainly to the best interest of the State that the funds be available on the first of February, because a default would be unfavorable in negotiating for the new loan.

May I go further and suggest that you authorize the Board of Prison Commissioners, or such other agency as you think proper, to make immediate arrangements, under such regulations and safeguards as you may deem wise, for the furnishing of said money, with the stipulation that it shall be available February 1, 1923?

I feel that it is my highest duty to the State to submit to you this matter with the feeling that you will appreciate the situation and that we may co-operate in the matter of preserving

the financial integrity of the prison system as one of the institutions of the State.

Respectfully submitted,
PAT M. NEFF,
Governor.

Contents.

Approving Opinion, John D. McCall.
Approving Opinion, Attorney General.
Minutes of Board, Accepting Proposal of the Brown-Crummer Company.

Minutes of Board, Authorizing Issuance and Delivery of \$750,000 Funding Notes.

Certificate of Secretary of Board of Prison Commissioners.

Signature and Non-litigation Certificates.

Statement of Indebtedness, Assets and Valuation of State Prison System.

Statement of Indebtedness and Assessed Valuation of the State of Texas.

Receipt of the Treasurer of Texas.

John D. McCall,
Attorney and Counsellor.
Great Southern Life Building,
Dallas, Texas.

March 10, 1922.

I hereby certify that I have examined the record of the proceedings of the Board of Prison Commissioners of the State of Texas, passed preliminary to the issue by said Board of Prison Commissioners of Board of Prison Commissioners of the State of Texas Funding Notes, numbered 1 to 180, inclusive, of the denominations as follows:

Notes Nos. 1 to 50, \$10,000 each,

Notes Nos. 51 to 80, \$5000 each,

Notes Nos. 81 to 180, \$1000 each,

aggregating \$750,000, dated February 15, 1922, due February 1, 1923, but subject to call October 1, 1922, or on the first of any month thereafter, and issued in consideration of money advanced to the Board of Prison Commissioners for the purpose of cashing the vouchers of said Prison Commission for support and maintenance of the prison system of the State of Texas. I have also examined the Constitution and law under authority of which said notes were issued and all of the executed notes of said issue and I am of the opinion that said notes are valid and legal obligations of the Board of Prison Commissioners, and the State of Texas.

In my opinion said notes are payable out of the proceeds of the prison system of the State of Texas and out of all

other sources connected therewith. I am further of the opinion in the event said proceeds of the prison system are insufficient to pay said notes that the Legislature of the State of Texas may within its constitutional powers provide a fund out of the general revenue of the State for the payment of said notes.

Respectfully submitted,
(Signed) JOHN D. McCALL.

State of Texas,
Attorney General's Department,
Austin, Texas.

March 7, 1922.

This is to certify that I have examined the complete original proceedings under which the Board of Prison Commissioners of the State of Texas has issued a series of notes, in the amount of \$750,000, numbered from 1 to 180, inclusive, 50 notes being of the denomination of \$10,000 each, 30 notes being of the denomination of \$5000 each, and 100 of said notes being of the denomination of \$1000 each, dated the 15th day of February, 1922, maturing February 1, 1923, but subject to call October 1, 1922, or on the first of any month thereafter, and issued in consideration of money advanced to the Board of Prison Commissioners for the purpose of cashing the voucher warrants of said Prison Commission for the support, maintenance and operation of the prison system of the State of Texas.

I have also examined the law under authority of which said notes are issued, and all of the executed notes of said issue, and I am of the opinion that said notes are valid and legal obligations of the Board of Prison Commissioners, and of the State of Texas.

In my opinion said notes are primarily payable out of the proceeds of said prison system and all other resources connected therewith, but in the event the proceeds of said prison system are insufficient to pay said notes, that the Legislature of the State of Texas, may, and will provide a fund out of the general revenues of the State for the payment of said notes.

(Signed) W. A. KEELING,
Attorney General.

Minutes of Board of Prison Commissioners of State of Texas Accepting Proposal of the Brown-Crummer Investment Company.

On the 10th day of February, 1922, the Board of Prison Commissioners of the State of Texas convened in special session in the City of Austin, Texas,

with the following members of the board present, to-wit:

J. A. Herring, Chairman.

Walter Sayle, Farm Commissioner.

S. J. Dean, Finance Commissioner, and

L. L. Pepper, Assistant Secretary, constituting the entire membership of said board. The following business was transacted, to-wit:

Chairman Herring presented for consideration of the Board of Commissioners the following letter written by the Governor of Texas, to-wit:

"Hon. J. A. Herring, Chairman Board of Prison Commissioners, Huntsville, Texas.

"Dear Sir: I have been giving the matter of financing the prison system considerable thought since the emergency was brought to my attention by your board several weeks ago. Particularly do I acknowledge receipt of your letter, dated January 1st.

"The Constitution imposes on the Board of Prison Commissioners the duty of the control and management of the State prison. The statutes have confirmed such constitutional obligation.

"An inspection of the statement of receipts and disbursements of the system for the past three years discloses that the average receipts from agricultural products per year have been approximately \$1,313,000. The receipts from other sources are negligible. It stands to reason that due to the decline in prices for agricultural products, the receipts for the year 1922 will probably be somewhat less than the average suggested, but I think it fair to assume from the figures you have presented to me that the system may reasonably expect something like \$900,000 or \$1,000,000 receipts for the year. The Legislature has appropriated the proceeds of the system for your disbursement in its support and maintenance. Your letter of January 1st presents concretely and succinctly the unusual condition confronting the system. You have prospective revenues for the year, which cannot be realized until the fall of approximately \$1,000,000. At present a deficit for support and maintenance of the institution and its inmates exists in the amount of approximately \$200,000. It will require approximately \$80,000 per month for the support and maintenance of the institution until your receipts will become available. Your estimate is that you will receive practically nothing from

the farm products before September. This means you will have accumulated a deficit of approximately \$750,000 for actual running expenses of the institution before any of the crop money is available. You have asked me to help you meet this emergency.

"The Constitution imposes on you the duty of seeing that the system is maintained. Humanity and good morals impose the higher duty and obligation on you and the Governor to see that the employes are paid, and that the inmates of the institution are fed and clothed. These obligations are absolute. The one thing that cannot be done is to cease the operation and maintenance of the system. Three alternatives present themselves to me:

"First. The Governor may, on extraordinary occasions, convene the Legislature. This might be done for the specific purpose of submitting to the Legislature the question of appropriating money to defray the expenses of the prison system.

"Second. I am advised by the Attorney General that the Board of Prison Commissioners may issue its vouchers to evidence indebtedness for labor performed, materials and supplies furnished, and for the conduct, support and maintenance of the institution, which vouchers may be held by the debtors or their assigns until said vouchers can be paid out of funds derived from the proceeds of the prison system.

"Third. I am also advised by the Attorney General that the Board of Prison Commissioners can borrow money to provide funds to take up its vouchers legally issued and may pay interest for the use of said money, and that said obligations may be paid out of the proceeds of the system.

"Disposing of these three methods in the order named:

"I hesitate to involve the State in the expense of calling an extraordinary session of the Legislature; this expense, judging from the experience of the past, would be approximately \$100,000; and it occurs to me that funds can be properly procured for your purpose without such a heavy expense to the taxpayers. The delay incident to such action would be a further inconvenience and embarrassment to the system.

"If vouchers are issued to employes of the system and tradesmen furnishing supplies for the system so as to bear interest until paid, such arrangement would make necessary the negotiation of the vouchers by many holders and at

various discounts, and with consequent embarrassment and inconvenience to a great number of citizens of this State. If, on the other hand, vouchers are issued without interest, to be held by said tradesmen or employes, or their assigns, the State will have to suffer a discount equivalent to the interest the debtors will be forced to pay in borrowing money on said vouchers. This discount will either have to be paid by the prison system directly or indirectly, and the rate of interest thus paid in discounts will probably be larger than the rate of interest you will have to pay if you borrow the money in the market.

"The remaining method is in the borrowing of money by the Board of Prison Commissioners, repayable out of the proceeds of all convict labor on farms and elsewhere, under control of the prison system. The Legislature has appropriated such proceeds for use by the Board of Prison Commissioners.

"Unquestionably in my mind, the last method is the best. I suggest that you enter negotiations in the money market with a view to making a contract in consideration of a reasonable rate of interest whereby the lender will hold in readiness a sum of money in the approximate amount of \$750,000 to be placed in the State Treasury in such installments and at such times as the Board of Prison Commissioners may direct, to be used in taking up vouchers issued by the Board of Prison Commissioners for support and maintenance of the institution. Your obligation should be in such form as is acceptable to the lender subject to the approval of the Attorney General. Your obligation should be made to mature February 1, 1923. You might make such collateral contracts as are necessary to provide for payment of additional interest should the obligation not be paid at its maturity, and for such details as are required.

"Should the proceeds of the prison system be insufficient to meet the obligation at its maturity, under the circumstances, I feel that it is my highest duty to the State and it will be my pleasure to submit to the Legislature, in January, 1923, the question of making an appropriation out of general revenues to meet the deficit. You may depend upon me to use the best influence of this office to prevent the default of any such obligation of the Board of Prison Commissioners. I think the Legislature will appreciate the situation and our joint efforts to save money for the State by adopting the most feasible

alternative and that the Legislature will make any appropriation necessary to preserve the integrity of the system and the honor of the State.

"Yours very truly,
(Signed) "PAT M. NEFF,
"Governor of Texas."

Commissioner Dean made the following motion:

"I move that the Board of Prison Commissioners seek a proposal for the providing of seven hundred and fifty thousand dollars (\$750,000), sufficient to take care of the present deficit of the system for maintenance and operation of the system and to take care of future deficits which will occur between this date and January 1, 1923."

The motion was seconded by Commissioner Sayle and passed by the following vote:

Ayes: Commissioners Herring, Dean and Sayle.

Nays: None.

The following proposal was submitted by the Brown-Crummer Investment Company of Wichita, Kansas, to wit:

"Austin, Texas, February 10, 1922.

Honorable Board of Prison Commissioners, Huntsville, Texas.

"Gentlemen: You will consider this, our proposal to furnish funds for the use of the Board of Prison Commissioners in taking care of the present deficit of the system of not exceeding two hundred and fifty thousand dollars (\$250,000) and to provide for further deficits of not exceeding one hundred thousand dollars (\$100,000) per month, occurring between this date and January 1, 1923.

"We will accept the legally issued notes of the Board of Prison Commissioners in the amount of seven hundred and fifty thousand dollars (\$750,000), to be dated February 15, 1922, and to be due February 1, 1923, bearing interest at the rate of seven (7) per cent per annum, which indebtedness for interest is to be shown in the face of said notes, or in separate interest notes, or otherwise as requested by us, with an option reserved by the Board of Prison Commissioners to call all or any part of the loan on October 1st or on the first of any month thereafter, by giving thirty (30) days' notice thereof prior to the date the option is to be exercised. It is further understood that interest will cease on such amounts called after the expiration of thirty (30) days' notice.

"It is understood that the funds will be transmitted at our expense to the State Treasurer at Austin, Texas, in

current funds at Federal Reserve Bank of Dallas, Texas, with instructions to be paid out on presentation to the Treasurer of legally issued vouchers and warrants drawn by the Board of Prison Commissioners and approved by the Governor of the State of Texas, which warrants or vouchers are to be held uncanceled by the State Treasurer, for the benefit of the holder or holders of said notes until they are fully paid, at which time said vouchers or warrants are to be cancelled and returned to the Board of Prison Commissioners. We further agree that we will keep advanced at all times to the State Treasurer in anticipation of the presentation of approved warrants or vouchers not exceeding ten thousand dollars (\$10,000).

"It is further understood that this proposal is made subject to approval as to legality of purpose and as to form of security by W. A. Keeling, Attorney General of the State of Texas, John D. McCall, attorney, of Dallas, Texas, and Henry C. Cutler of Chapman, Cutler & Parker, attorneys, of Chicago, Illinois.

"By acceptance of this proposal the Board of Prison Commissioners agrees to pass any and all orders and resolutions and to execute any and all agreements deemed necessary to establish the legality of this proceeding.

"Executed in triplicate originals.

"Respectfully submitted,

"THE BROWN-CRUMMER INVESTMENT COMPANY,

"By (Signed) J. J. Moore."

The Commission thereupon went into executive session, having under consideration said proposal. Immediately thereafter the executive session was closed and in open session Commissioner Dean presented a resolution and moved its adoption. The motion was seconded by Commissioner Sayles and passed by unanimous vote of the members of the Board of Prison Commissioners.

Ayes: Commissioners Herring, Dean and Sayle.

Nays: None.

The resolution is as follows, to wit:

"Whereas, The Board of Prison Commissioners is confronted with an emergency of extreme gravity as more fully set forth in the letter from the Governor of Texas, heretofore incorporated in the minutes of this meeting and which is made a part hereof by reference; and

"Whereas, Numerous attempts have been made to procure the funds necessary for the maintenance and support of the prison system from banks and

bankers in the State of Texas without success; and

"Whereas, Unless some provisions is made to finance the system on a cash basis the system will lose many thousands of dollars in discounts or the Board of Prison Commissioners will be forced to importune the Governor to call an extraordinary session of the Legislature to make another appropriation which will be immediately available for said purpose; and

"Whereas, After careful consideration and deliberation, the members of the Board deem it to be the best interest of the prison system and to the State of Texas that the proposal hereinabove incorporated be accepted as submitted; therefore, be it

"Resolved by the Board of Prison Commissioners of the State of Texas, That said proposal of the Brown-Crummer Investment Company of Wichita, Kansas, be in all things accepted and that the members of said Commission be, and they are hereby instructed to execute the acceptance of said proposal as indicated on the original proposal, which said acceptance shall become binding upon the Board of Prison Commissioners as soon as, and when, approved by the Attorney General of the State of Texas and by the Governor of Texas, which approval shall be indicated by their signatures on said original proposal.

"Be it further resolved, That the Chairman of the Board of Prison Commissioners, or the Finance Commissioner, is hereby authorized and instructed to do and perform any and all acts necessary further to carry this resolution and accepted proposal into effect."

Commissioner Sayles made a motion that meeting adjourn. The motion was seconded by Commissioner Dean and carried by the following vote:

Ayes: Chairman Herring, Commissioner of Finance Dean and Commissioner of Farms Sayle.

Nays: None.

(Signed) J. A. HERRING,
Chairman, Board of Prison Commissioners.

Attest:

(Signed) L. L. PEPPER,
Assistant Secretary.

Minutes of Board of Prison Commissioners of State of Texas Authorizing Issuance of Funding Notes—\$750,000.

On this 7th day of March, 1922, the Board of Prison Commissioners of

the State of Texas convened in special session in the City of Austin, Texas, with the following members of the Board present, to wit:

J. A. Herring, Chairman.

H. W. Sayle, Farm Commissioner.

S. J. Dean, Finance Commissioner, and

L. L. Pepper, Assistant Secretary, constituting the entire membership of the Board of Prison Commissioners, at which meeting the following business was transacted, to wit:

Commissioner Dean presented for consideration of the Board of Commissioners a resolution and moved its adoption. The motion was seconded by Commissioner Sayle and was unanimously adopted by the following vote:

Ayes—Commissioners Herring, Sayle and Dean.

Nays—None.

The resolution follows:

"Whereas, At the meeting of the Board of Prison Commissioners, held in the City of Austin, Texas, February 10, 1922, the Board authorized the execution of a contract in accordance with the terms of a proposal submitted on that date by the Brown-Crummer Investment Company, of Wichita, Kansas, for the furnishing of money in the amount of seven hundred fifty thousand dollars (\$750,000) for the purpose of cashing vouchers legally issued by said board for expenses incurred in the maintenance and support of the prison system; and,

"Whereas, Said contract, having been approved by the Attorney General and the Governor of the State, as is indicated thereon, in pursuance to said order, was duly executed in words and figures as follows:

"Austin, Texas, February 10, 1922.

"Honorable Board of Prison Commissioners, Huntsville, Texas.

"Gentlemen: You will consider this our proposal to furnish funds for the use of the Board of Prison Commissioners in taking care of the present deficit of the system of not exceeding two hundred fifty thousand dollars (\$250,000), and to provide for further deficits of not exceeding one hundred thousand dollars (\$100,000) per month, occurring between this date and January 1, 1923.

"We will accept the legally issued notes of the Board of Prison Commissioners in the amount of seven hundred

fifty thousand dollars (\$750,000) to be dated February 15, 1922, and to be due February 1, 1923, bearing interest at the rate of seven (7) per cent per annum, which indebtedness for interest is to be shown in the face of said notes, or in separate interest notes, or otherwise as requested by us, with an option reserved by the Board of Prison Commissioners to call all or any part of the loan on October 1st or on the first of any month thereafter by giving thirty (30) days' notice thereof prior to the date the option is to be exercised. It is further understood that interest will cease on such amounts called after the expiration of thirty (30) days' notice.

"It is understood that the funds will be transmitted at our expense to the State Treasurer at Austin, Texas, in current funds at Federal Reserve Bank of Dallas, Texas, with instructions to be paid out on presentation to the Treasurer of legally issued vouchers and warrants drawn by the Board of Prison Commissioners and approved by the Governor of the State of Texas, which warrants or vouchers are to be held uncanceled by the State Treasurer for the benefit of the holder or holders of said notes until they are fully paid, at which time said vouchers or warrants are to be canceled and returned to the Board of Prison Commissioners. We further agree that we will keep advanced at all times to the State Treasurer in anticipation of the presentation of approved warrants or vouchers not exceeding ten thousand dollars (\$10,000).

"It is further understood that this proposal is made subject to approval as to legality of purpose and as to form of security by W. A. Keeling, Attorney General of the State of Texas; John D. McCall, attorney, of Dallas, Texas, and Henry C. Cutler of Chapman, Cutler & Parker, attorneys, of Chicago, Illinois.

"By acceptance of this proposal the Board of Prison Commissioners agrees to pass any and all orders and resolutions and to execute any and all agreements deemed necessary to establish the legality of this proceeding.

Executed in triplicate originals.

Respectfully submitted,

THE BROWN-CRUMMER INVESTMENT COMPANY,

By (Signed) J. J. Moore.

Accepted this 10th day of February, 1922.

BOARD OF PRISON COMMISSIONERS

(Signed) J. A. Herring,

H. W. Sayle,

Attest: S. J. Dean.

(Signed) L. L. Pepper,

(Seal) Assistant Secretary.

Approved as to form:

W. A. Keeling,

Attorney General of Texas.

Approved:

Pat M. Neff,

Governor of Texas.

"Now, therefore, be it resolved by the Board of Prison Commissioners of the State of Texas, That said contract be, and it is in all things hereby ratified and confirmed and made specifically the act of the Board of Prison Commissioners."

Commissioner Sayle introduced a resolution and moved its adoption. The motion was seconded by Commissioner Dean, and the resolution was unanimously adopted by the following vote:

Ayes: Commissioners Herring, Sayle and Dean.

Nays: None.

The resolution follows:

"Whereas, The Brown-Crummer Investment Company has signified its willingness to proceed with the performance of the obligation under said contract, not waiving any rights but postponing the absolute requirement of a preliminary approving opinion as to the legality of this loan by its attorneys, named in the original proposal, and has signified its readiness to proceed with taking up legally issued vouchers, and at such times receiving notes of the Board of Prison Commissioners, hereinafter provided, until such time as the said Brown-Crummer Investment Company shall request more specific showing as to the legality of said securities;

"Now, therefore, be it resolved by the Board of Prison Commissioners, That at such time, if and when requested, it will co-operate with said Brown-Crummer Investment Company in any proper manner to further establish the legality of the securities issued."

Commissioner Dean made the following motion:

"I move that the Board of Prison Commissioners proceed with the execution of one hundred and eighty (180) funding notes, payable to bearer, dated February 15, 1922, due February 1, 1923, in denominations as follows:

Notes Nos. 1 to 50.....\$10,000
 Notes Nos. 51 to 80..... 5,000
 Notes Nos. 81 to 180..... 1,000

and in substantially the following form:

United States of America.

\$..... No.....

State of Texas
 Board of Prison Commissioners'
 Funding Note.

On February 1, 1923, the Board of Prison Commissioners of the State of Texas, promises to pay to bearer at the National Bank of Commerce, New York City, New York, the sum of

.....Dollars.

This note is subject to call on October 1, 1922, or on the first day of any month thereafter by giving thirty days' notice thereof, prior to the date of option so to be exercised and in the event the options exercised by said Board to retire this note prior to maturity as above provided, the same shall be discounted for the unexpired time from date of call to date of maturity at the rate of five (5) per cent per annum. Such notice shall be given by registered mail to the National Bank of Commerce, New York City, New York, and by publishing notice of such call at least once in a newspaper printed and of general circulation in the city of Austin, Texas, and by delivering a copy of the resolution of said Board making such call to said bank in New York City. Such resolution and notice shall specify the number or numbers of the note or notes so called.

This note is one of a series of one hundred and eighty (180) notes of like tenor and effect, except as to denomination, dated the 15th day of February, 1922, numbered from one (1) to one hundred and eighty (180), both inclusive, aggregating seven hundred and fifty thousand dollars (\$750,000).

This obligation is given in consideration of money advanced to the Board of Prison Commissioners for the purpose of cashing the vouchers of said Prison Commission for support and maintenance of the prison system of the State of Texas, which vouchers constitute a legal and valid indebtedness of said Board of Prison Commissioners incurred in the necessary operation of said prison system.

This note is payable out of the proceeds of the penitentiary system and all sources connected therewith, made available for the maintenance and support

of the penitentiary system for the years ending August 21, 1922 and 1923, by an act of the First Called Session of the Thirty-seventh Legislature, Chapter 53, page 214, General Laws.

If this note is not paid at maturity it shall bear interest at the rate of seven (7) per cent per annum until paid.

In witness whereof, the Board of Prison Commissioners of the State of Texas have hereunto set their official signatures and caused their official seal to be hereto affixed at Austin, Texas, as of the 15th day of February, 1922.

The Board of Prison Commissioners of the State of Texas.

By

Chairman.

.....
 Finance Commissioner.

.....
 Farm Commissioner.

Attest:

.....
 Secretary Board of Prison
 Commissioners.

Approved as to Legality and Form:

.....
 Attorney General of Texas.

Approved:

.....
 Governor of Texas."

The motion was seconded by Commissioner Sayle and was carried unanimously by the following vote:

Ayes: Commissioners Herring, Sayle and Dean.

Nays: None.

Thereupon the members of the Board of Prison Commissioners executed in open session the notes described above.

At this juncture the Attorney General, Honorable W. A. Keeling, signed each of the one hundred eighty (180) notes, approving them as to legality and form.

The Governor of Texas, Honorable Pat M. Neff, then signed each of the one hundred and eighty (180) notes for the purpose of approving them.

Commissioner Sayle presented a motion, which was seconded by Commissioner Dean. The motion was carried by the following vote:

Ayes: Commissioners Herring, Dean and Sayle.

Nays: None.

The motion is as follows:

"I move that the Board of Prison Commissioners deliver to the Treasurer of the State of Texas the legally executed one hundred and eighty (180) funding notes, above described, which

notes are to be held by the Treasurer until he has received therefor their par value from The Brown-Crummer Investment Company, of Wichita, Kansas. At such time as he has received the par value thereof he is authorized and instructed to deliver said notes to said Brown-Crummer Investment Company, and he is further authorized at such time to execute the receipt of the Treasurer of the State of Texas showing that he has received for said notes the par value thereof, to wit: Seven hundred fifty thousand dollars (\$750,000)."

At this juncture the Board of Prison Commissioners delivered to the State Treasurer, the Honorable C. V. Terrell, all of said one hundred and eighty (180) funding notes of the total par value of seven hundred fifty thousand dollars (\$750,000).

Commissioner Dean made a motion that the meeting adjourn. The motion was carried, with the following vote:

Ayes: Commissioners Herring, Sayle and Dean.

Nays: None.

(Signed) J. A. Herring,
Chairman, Board of Prison Commissioners.

Attest:

(Signed) L. L. Pepper,
Assistant Secretary.

State of Texas,
County of Walker.

I, L. L. Pepper, Assistant Secretary to the Board of Prison Commissioners of the State of Texas, do hereby certify that the above and foregoing constitutes a true, full and correct copy of the minutes of the Board of Prison Commissioners of the State of Texas preliminary to and in the issuance of its seven hundred fifty thousand (\$750,000) dollars funding notes, dated February 15, 1922, due February 1, 1923, with option of prior payment on the first day of any month after October 1, 1922.

That the proceedings accepting the proposal of the Brown-Crummer Investment Company are recorded in the minutes of the Board of Prison Commissioners in Volume 6, page 283, et seq., which minutes show the presence of all members of the Board of Prison Commissioners and show their affirmative votes in favor of the acceptance of said proposal.

That the proceedings authorizing the issuance of funding notes in the amount of \$750,000 are recorded in the minutes of the Board of Prison Commissioners,

Volume 6, page 290, et seq., which minutes show the presence of all members of the Board of Prison Commissioners and show their affirmative votes of all members on the proposition of issuing said notes.

Executed under my hand and seal of said Board of Prison Commissioners this the 10th day of March, 1922, at Huntsville, Texas.

(Seal) (Signed) L. L. Pepper,
Assistant Secretary, Board of Prison Commissioners.

State of Texas,
County of Travis.

We, the undersigned, do hereby certify that we did officially sign in the respective capacities herein set forth, the 180 State of Texas Board of Prison Commissioners funding notes, in the total amount of \$750,000, bearing interest after maturity at the rate of 7 per cent per annum, dated February 15th, 1922, numbered from 1 to 180, inclusive, each of the same tenor and effect except as to denomination, the denominations being as follows, to wit:

Notes Nos. 1 to 50.....	\$10,000 each
Notes Nos. 51 to 80.....	5,000 each
Notes Nos. 81 to 180.....	1,000 each

We do further certify that at this time, the date of the execution of this certificate and the delivery of said notes, at the date of the execution of said notes, that we are and were the only duly qualified and acting officers indicated therein and authorized to execute same.

We do further certify that there is no litigation of any nature now pending or threatened, restraining or enjoining the issuance and delivery of said notes or the payment of the principal or interest thereof, nor in any manner questioning the proceedings and authority by which said issue is made, nor affecting the validity of the notes thereunder; and

That the title of none of the present officers executing, attesting or approving said notes is being contested at this time.

We further certify that we are acquainted with the official seal of the Board of Prison Commissioners of the State of Texas, and that said official seal is affixed to each note, and that a correct impression of same also appears upon this certificate.

Witness our hands and official seal,

aforesaid, at Austin, Texas, this the 7th day of March, A. D. 1922.

J. A. HERRING,
Chairman, Board of Prison Commissioners.

S. J. DEAN,
Finance Commissioner, Board of Prison Commissioners.

H. W. SAYLE,
Farm Commissioner, Board of Prison Commissioners.

L. L. PEPPER,
Assistant Secretary, Board of Prison Commissioners.
(Official Seal)

W. A. KEELING,
Attorney General, State of Texas.

PAT M. NEFF,
Governor, State of Texas.

I, S. L. Staples, Secretary of State of the State of Texas, do hereby certify that I am acquainted with the signatures of the officers which appear above and the seal of the Board of Prison Commissioners which appears above, and that I have examined said signatures and seal and find them true and genuine.

I further certify that I have examined the executed notes described above and the signatures and seal thereto appended, and find said signatures and seal to be genuine.

(Seal) (Signed) S. L. STAPLES,
Secretary of State, State of Texas.

STATEMENT OF INDEBTEDNESS—LAND IN CULTIVATION AND EXHIBIT OF RECEIPTS OF THE PRISON SYSTEM OF THE STATE OF TEXAS.

The following exhibits a true and correct statement of the indebtedness of the Board of Prison Commissioners of the State of Texas. The notes representing indebtedness for lands purchased are segregated from the items which are considered current indebtedness for support and maintenance of the system:

Eastham State Farm Notes—

35 notes	January 1, 1918, due January 1, 1923, at 8%	\$35,000.00
35	" " " " " " 1924	35,000.00
35	" " " " " " 1925	35,000.00
35	" " " " " " 1926	25,000.00
35	" " " " " " 1927	35,000.00
		<hr/> \$165,000.00

Ferguson State Farm Notes—

51 to 60, Inc., Jan. 1, 1916, due Jan. 1, 1923, at 8%	\$10,000.00
61 to 70 " " " " " " 1924	10,000.00
71 to 80 " " " " " " 1925	10,000.00
81 to 90 " " " " " " 1926	10,000.00
91 to 100 " " " " " " 1927	10,000.00
	<hr/> 50,000.00

Shaw State Farm Notes—

41 to 48, inc., July 1, 1916, due January 1, 1923, at 8%	\$ 8,000.00
49 to 56 " " " " " " 1924	8,000.00
57 to 64 " " " " " " 1925	8,000.00
65 to 72 " " " " " " 1926	8,000.00
73 to 80 " " " " " " 1927	8,000.00
81 to 88 " " " " " " 1928	8,600.00
	<hr/> 48,600.00

Ramsey State Farm Notes—

1 note Dec. 31, 1917, due December 31, 1920, at 8%	\$ 8,650.00
1 " " " " " " 1921	8,650.00
1 " " " " " " 1922	8,650.00
1 " " " " " " 1923	8,650.00
1 " " " " " " 1924	8,650.00
1 " " " " " " 1925	8,650.00
1 " " " " " " 1926	8,650.00
1 " " " " " " 1927	8,650.00
	<hr/> 69,200.00

Harlem State Farm Notes—

1 note Dec. 21, 1914, due December 31, 1922, at 6%	\$ 5,070.54
1 " " " " " " 1923 "	5,070.54
1 " " " " " " 1924 "	5,070.54
1 " " " " " " 1925 "	5,070.54
	<u>\$ 20,282.16</u>

Notes for Lumber—

1 note Oct. 4, 1921, due Oct. 4, 1922, at 8%	\$ 323.53
1 note Oct. 17, 1921, due Oct. 17, 1922, at 8%	236.13
1 note Dec. 12, 1921, due April 4, 1922, at 8%	490.35
	<u>1,050.01</u>

Notes for Cattle—

2 notes Dec. 15, 1921, due Oct. 1, 1922, at 8%	\$ 4,530.00
	<u>4,530.00</u>
Notes given for purchases made prior to Jan. 1, 1915..	\$ 7,921.81
	<u>7,921.81</u>

Current Notes and Accounts—

1 note Jan. 11, 1922, due March 12, 1922.....	\$ 8,035.00
1 note Jan. 11, 1922, due March 12, 1922.....	8,190.00
1 note Jan. 11, 1922, due Feb. 21, 1922.....	10,000.00
1 note Feb. 2, 1922, due April 2, 1922.....	6,000.00
1 note Feb. 8, 1922, due March 8, 1922.....	7,000.00
Interest.....	30,000.00
Pay roll past due.....	31,419.72
Current A Vouchers and accounts past due—Approx..	202,899.48
Reserve account taxes.....	29,012.91
	<u>332,557.11</u>
	<u>\$695,141.09</u>

In addition to the above we are due the Citizens Bank and Trust Company.....\$15,000.00

Three drafts were drawn for \$5,000 each, February 1923-1924-1925.

The following is a true and correct exhibit of cash which has been received by the State Board of Prison Commissioners for the last preceding four years:

	Appropriations	System	Bills Payable	Total
1918 receipts.....	\$ 1,510,956.61			\$ 1,510,956.61
1919 receipts.....	1,166,226.21			1,166,226.21
1920 receipts.....	748,079.28	\$ 100,000.00		848,079.28
1921 receipts..\$ 685,242.20	607,818.00			1,293,360.20
	<u>\$ 685,242.20</u>	<u>\$ 4,133,080.10</u>	<u>\$ 100,000.00</u>	<u>\$ 4,818,622.30</u>

The following is a true and correct list showing lands which have been cultivated by the State Prison System, during the last two preceding years, and for the present year, showing the acreage devoted to the several farm products, to wit:

	1920 Acres	1921 Acres	1922 Acres
Cotton.....	24,320	22,951	32,141
Corn.....	17,609	15,337	17,559
Cane.....	3,534	3,850	4,980
Other feed stuff.....	3,723	3,489	2,660
Total acreage in cultivation.....	49,186	45,627	57,340

Statement of Actual Valuation of Property Owned by the State Prison System.

The actual estimated value of property, real and personal, owned by the State of Texas for its prison system is \$6,000,000, as reflected by the records in this office.

We, the members of the Board of Prison Commissioners of the State of Texas, towit:

J. A. Herring, Chairman;

S. J. Dean, Finance Commissioner;

H. W. Sayle, Farm Commissioner,

Do certify that the attached sheets identified by the seal of the Board of Prison Commissioners and the attest of the Secretary reflects the true indebtedness of the State Board of Prison Commissioners and of the prison system, and correctly showing the acreage in cultivation for the present year and for the two preceding years, and correctly show the receipts of the system and appropriations made for it during the years 1918, 1919, 1920 and 1921.

That this financial statement is furnished to the persons who are advancing money to the Board of Prison Commissioners for support and maintenance of the institution in the amount of seven hundred fifty thousand (\$750,000) dollars, and this statement is furnished as a basis for said loan on which said persons may rely.

Executed this 7th day of March, 1922.

BOARD OF PRISON COMMISSIONERS,

By (Signed) J. A. Herring,
Chairman;

(Signed) S. J. Dean,
Finance Commissioner;

(Signed) H. W. Sayle,

(Seal) Farm Commissioner.

Attest:

(Signed) L. L. Pepper,
Assistant Secretary.

Statement of Indebtedness and Assessed Valuation of the State of Texas.

State of Texas,
County of Travis.

I, Lon A. Smith, Comptroller of Public Accounts of the State of Texas, do hereby certify, from the records in my office, that the assessed valuation of property within the State of Texas for the year 1921 is \$3,455,360,089.

Executed in Austin, Texas, this the 7th day of March, 1922.

(Signed) Lon A. Smith,
Comptroller of Public Accounts, State of Texas.

(Seal)

I, C. V. Terrell, Treasurer of the State of Texas, do hereby certify from the records in my office, that the total outstanding debt of the State of Texas is represented by bonds; that the total amount of said bonds is \$4,002,200, and that all of said bonds are owned by various institutions and funds of the State of Texas.

Executed in Austin, Texas, this 7th day of March, 1922.

(Signed) C. V. Terrell,

(Seal) Treasurer, State of Texas.

State of Texas,
County of Travis.

I, S. L. Staples, Secretary of the State of Texas, do hereby certify that I have examined the foregoing certificates, executed by Lon A. Smith, Comptroller of Public Accounts, and C. V. Terrell, Treasurer of the State of Texas, and the seals attached. I further certify that said signatures and seals are genuine and were executed by the qualified officials named.

Executed this the 7th day of March, 1922, at Austin, Texas.

(Signed) S. L. Staples,

Secretary of State, State of Texas.

(Seal)

State of Texas,
County of Travis.

I, C. V. Terrell, Treasurer of the State of Texas, hereby certify that I have received for the use of the Board of Prison Commissioners of the State of Texas, payment in the amount of their par value by the Brown-Crummer Investment Company, of Wichita, Kansas, for funding notes issued by the Board of Prison Commissioners of the State of Texas, dated February 15, 1922, due February 1, 1923, with option of prior payment after October 1, 1922, bearing interest after maturity at the rate of seven (7) per cent per annum, consisting in one hundred eighty (180) notes, numbered one (1) to one hundred eighty (180), inclusive, aggregating seven hundred fifty thousand dollars (\$750,000) of like tenor and effect except as to denominations, in denominations as follows:

Note numbers.	Denominations.
1 to 100.....	\$ 1,000 each
101 to 130.....	5,000 each
131 to 180.....	10,000 each

And have for value received, in accordance with instructions from said Board of Prison Commissioners, delivered said \$750,000 funding notes to said Brown-Crummer Investment Company.

Executed in Austin, Texas, this the 8th day of March, A. D. 1922.

(Seal) C. V. Terrell,
Treasurer, State of Texas.

State of Texas,
County of Travis.

I, S. L. Staples, Secretary of State, State of Texas, do hereby certify that I have carefully examined the signatures and the seal on the foregoing receipt executed by C. V. Terrell, Treasurer of the State of Texas, and do further certify that the impress of said seal and said signature on the receipt attached hereto, acknowledging payment in the amount of seven hundred fifty thousand dollars (\$750,000) for the funding notes issued by the Board of Prison Commissioners of the State of Texas are genuine.

Executed under my hand and the great seal of the State of Texas this the 8th day of March, A. D. 1922.

(Signed) S. L. Staples,
Secretary of State, State of Texas.
(Seal)

On motion of Mr. Jones, the subjects treated in the Governor's message were referred to the Committee on Penitentiaries.

HOUSE BILL NO. 60 ON SECOND READING.

On motion of Mr. Melson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 60, A bill to be entitled "An Act to create and provide for a department of insurance for the State of Texas, separate and distinct from the Department of Banking of this State, to provide for the appointment, term of office, name, compensation, and to prescribe the qualifications and the powers and duties of the head of such department; to provide for a seal of such office; to require of the Commissioner of Insurance an oath of office and a bond for the faithful discharge of his duties; to provide for a deputy commissioner,

and to define the duties and powers and obligations of the deputy commissioner, and to provide for actuaries and examiners, and for clerical help for such department; to amend Chapter 7 of Title 65 of the Revised Statutes of the State of Texas, and particularly to amend Articles 4485, 4486, 4487, 4488, 4489, 4490, 4491 and 4492, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Melson offered the following (committee) amendment to the bill:

Amend House bill No. 60, Article 4486-a, on page 2, by adding after the word "paid" the following: "Provided, that the salary of the Insurance Commissioner shall be paid out of the fees and taxes collected and paid into the Insurance Department, and all the expenses of administering said department shall be paid out of such fees and taxes as are collected and paid into said department."

The amendment was adopted.

Mr. Melson offered the following committee amendments to the bill:

Amend House bill No. 60, Article 4486-a, on page 2, by striking out the words "ten thousand dollars" and insert in lieu thereof the words "six thousand dollars."

The amendment was adopted.

Mr. Smith offered the following amendment to the bill:

Amend Article 4489 of Section 7 as follows:

Said commissioner may appoint a competent deputy commissioner, and may appoint an actuary and one assistant actuary and such other actuaries and assistants as the business of the department may require for the examination of any insurance company, association, partnership or individual engaged in the business of insurance except as an insured, each of whom shall have the qualifications herein required, and he may appoint such clerks as the labors of his office may require, and all of his appointees shall be removed at his discretion. The actuaries and assistant actuaries shall each be a member in good standing of some recognized actuarial society, and said actuaries shall be in no way connected with any insurance company, association, partnership or individual engaged in the insurance business except as an insured; provided, however, that actuaries who are appointed to make examinations as

provided in this article on behalf of the Insurance Department may conduct such examinations of insurance companies, associations, partnerships or individuals engaged in the business of insurance, provided said actuaries are not connected in any way with the company for which the examination is being made.

Mr. Abney moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—55.

Abney.	McBride.
Amsler.	McDaniel.
Atkinson.	McDonald.
Barker.	Martin.
Barrett.	Mathes.
Bird.	Merritt.
Cable.	Moore.
Collins.	Patman.
Crawford.	Patterson.
Davis.	Perdue.
DeBerry.	Pinkston.
Dodd.	Price.
Driggers.	Quaid.
Duffey.	Quinn.
Dunn.	Sackett.
Finlay.	Sanford.
Frnka.	Simpson.
Hardin	Stell.
of Kaufman.	Stevens.
Henderson	Stewart
of Marion.	of Edwards.
Henderson	Stewart of Jasper.
of McLennan.	Stiernberg.
Hendricks.	Strickland.
Jones.	Sweet.
Kemble.	Thompson.
Lackey.	Thrasher.
Laird.	Wallace.
Loftin.	Wessels.
Looney.	

Nays—64.

Arnold.	Cowen.
Avis.	Culp.
Baldwin.	Davenport.
Beasley.	Dielmann.
Bell.	Dinkle.
Blount.	Dunlap.
Bobbitt.	Faubion.
Brady.	Fields.
Bryant.	Fugler.
Carpenter	Gipson.
of Dallas.	Green.
Carpenter	Greer.
of Matagorda.	Hardin of Erath.
Carson.	Harrington.
Carter of Hays.	Howeth.
Coffee.	Hughes.
Covey.	Hull.

Irwin.	Rice.
Jacks.	Robinson.
Jennings.	Rountree.
Lane.	Rowland.
LeMaster.	Russell
LeSturgeon.	of Callahan.
Lewis.	Satterwhite.
Lusk.	Smith.
McFarlane.	Sparkman.
Maxwell.	Stewart of Reeves.
Melson.	Stroder.
Montgomery.	Teer.
Morgan	Turner.
of Liberty.	Wells.
Morgan	Westbrook.
of Robertson.	Williamson.
Pate.	Winfree.
Potter.	Young.
Purl.	

Absent.

Baker of Milam.	Merriman.
Bonham.	Miller.
Carter of Coke.	Pope.
Downs.	Russell of Trinity.
Durham.	Shearer.
Edwards.	Shires.
Harris.	Storey.
McKean.	

Absent—Excused.

Baker of Orange.	McNatt.
Burmeister.	Pool.
Chitwood.	Rogers.
Houston.	Vaughan.
Johnson.	Wilmans.
Lamb.	Wilson.

Question recurring on the amendment by Mr. Smith, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—60.

Amsler.	Dinkle.
Arnold.	Dunlap.
Baker of Milam.	Durham.
Baldwin.	Faubion.
Bell.	Gipson.
Bird.	Green.
Blount.	Hardin of Erath.
Bobbitt.	Harrington.
Bryant.	Howeth.
Carpenter	Irwin.
of Dallas.	Lackey.
Carpenter	Lane.
of Matagorda.	LeMaster.
Carter of Coke.	Looney.
Carter of Hays.	Lusk.
Coffee.	McBride.
Collins.	McDonald.
Covey.	McFarlane.
Cowen.	McKean.
Dielmann.	Martin.

Maxwell.	Satterwhite.
Melson.	Smith.
Montgomery.	Stewart of Reeves.
Morgan	Strickland.
of Liberty.	Teer.
Perdue.	Turner.
Pinkston.	Wells.
Potter.	Westbrook.
Purl.	Williamson.
Quinn.	Winfree.
Rowland.	Young.
Russell	
of Callahan.	

Nays—59.

Abney.	Laird.
Atkinson.	McDaniel.
Avis.	Mathes.
Barker.	Merritt.
Barrett.	Miller.
Beasley.	Moore.
Cable.	Morgan
Carson.	of Robertson.
Crawford.	Pate.
Culp.	Patman.
Davenport.	Patterson.
Davis.	Price.
DeBerry.	Quaid.
Dodd.	Rice.
Driggers.	Robinson.
Duffey.	Sackett.
Dunn.	Sanford.
Edwards.	Shires.
Fields.	Simpson.
Finlay.	Sparkman.
Frnka.	Stell.
Greer.	Stevens.
Hardin	Stewart
of Kaufman.	of Edwards.
Henderson	Stewart of Jasper.
of Marion.	Stiernberg.
Henderson	Stroder.
of McLennan.	Sweet.
Hendricks.	Thompson.
Jennings.	Thrasher.
Jones.	Wallace.
Kemble.	Wessels.

Present—Not Voting.

LeStourgeon.

Absent.

Bonham.	Merriman.
Downs.	Pope.
Fugler.	Rountree.
Harris.	Russell of Trinity.
Jacks.	Shearer.
Lewis.	Storey.
Loftin.	

Absent—Excused.

Baker of Orange.	Houston.
Brady.	Hughes.
Burmeister.	Hull.
Chitwood.	Johnson.

Lamb.	Vaughan.
McNatt.	Wilmans.
Pool.	Wilson.
Rogers.	

Mr. Abney offered the following amendment to the bill:

Amend House bill No. 60 so as to strike out enacting clause.

Mr. Merriman moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—34.

Abney.	Jones.
Atkinson.	Lane.
Barker.	Loftin.
Cable.	McBride.
Crawford.	McDaniel.
Culp.	Merritt.
Davis.	Patman.
DeBerry.	Price.
Dodd.	Quaid.
Fields.	Rice.
Finlay.	Rowland.
Frnka.	Sanford.
Greer.	Simpson.
Hardin	Stell.
of Kaufman.	Stevens.
Henderson	Stewart of Jasper.
of McLennan.	Wallace.
Howeth.	Wessels.

Nays—87.

Amsler.	Driggers.
Arnold.	Duffey.
Avis.	Dunlap.
Baker of Milam.	Dunn.
Baldwin.	Durham.
Barrett.	Edwards.
Beasley.	Faubion.
Bell.	Gipson.
Bird.	Green.
Blount.	Hardin of Erath.
Bobbitt.	Harrington.
Bryant.	Henderson
Carpenter	of Marion.
of Dallas.	Hendricks.
Carpenter	Irwin.
of Matagorda.	Jacks.
Carson.	Jennings.
Carter of Coke.	Kemble.
Carter of Hays.	Lackey.
Coffee.	Laird.
Collins.	LeMaster.
Covey.	LeStourgeon.
Cowen.	Lewis.
Davenport.	Looney.
Dielmann.	Lusk.
Downs.	McDonald.

McFarlane.	Russell
McKean.	of Callahan.
Martin.	Sackett.
Maxwell.	Satterwhite.
Melson.	Shearer.
Merriman.	Shires.
Miller.	Smith.
Montgomery.	Sparkman.
Moore.	Stewart of Reeves.
Morgan	Stiernberg.
of Liberty.	Strickland.
Morgan	Stroder.
of Robertson.	Sweet.
Pate.	Teer.
Patterson.	Thrasher.
Perdue.	Turner.
Pinkston.	Wells.
Potter.	Westbrook.
Purl.	Williamson.
Quinn.	Winfree.
Robinson.	

Present—Not Voting.

Mathes.	Young.
Stewart	
of Edwards.	

Absent.

Bonham.	Rountree.
Dinkle.	Russell of Trinity.
Fugler.	Storey.
Harris.	Thompson.
Pope.	

Absent—Excused.

Baker of Orange.	Lamb.
Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rogers.
Houston.	Vaughan.
Hughes.	Wilmans.
Hull.	Wilson.
Johnson.	

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 60 was then passed to engrossment by the following vote:

Yeas—91.

Amsler.	Carson.
Arnold.	Carter of Coke.
Baker of Milam.	Carter of Hays.
Baldwin.	Coffee.
Barrett.	Collins.
Beasley.	Covey.
Bell.	Cowen.
Bird.	Davenport.
Blount.	Dielmann.
Bobbitt.	Driggers.
Carpenter	Duffey.
of Dallas.	Dunlap.
Carpenter	Dunn.
of Matagorda.	Durham.

Edwards.	Morgan
Faubion.	of Liberty.
Finlay.	Morgan
Gipson.	of Robertson.
Green.	Pate.
Greer.	Patterson.
Hardin of Erath.	Perdue.
Harrington.	Pinkston.
Henderson	Pope.
of Marion.	Potter.
Hendricks.	Purl.
Howeth.	Quinn.
Irwin.	Robinson.
Jacks.	Rountree.
Jennings.	Russell
Johnson.	of Callahan.
Kemble.	Russell of Trinity.
Lackey.	Sackett.
Laird.	Satterwhite.
Lane.	Shearer.
LeMaster.	Shires.
LeSturgeon.	Smith.
Lewis.	Sparkman.
Looney.	Stevens.
Lusk.	Stewart of Reeves.
McBride.	Stiernberg.
McDonald.	Strickland.
McFarlane.	Stroder.
McKean.	Sweet.
Martin.	Teer.
Maxwell.	Thrasher.
Melson.	Turner.
Merriman.	Wells.
Miller.	Williamson.
Montgomery.	Winfree.
Moore.	

Nays—33.

Abney.	Jones.
Atkinson.	Loftin.
Avis.	McDaniel.
Barker.	Merritt.
Bryant.	Patman.
Cable.	Price.
Crawford.	Quaid.
Culp.	Rice.
Davis.	Rowland.
DeBerry.	Sanford.
Dodd.	Simpson.
Downs.	Stell.
Fields.	Stewart of Jasper.
Frnka.	Thompson.
Hardin	Wallace.
of Kaufman.	Westbrook.
Henderson	Wessels.
of McLennan.	

Present—Not Voting.

Mathes.	Young.
Stewart	
of Edwards.	

Absent.

Bonham.	Harris.
Dinkle.	Storey.
Fugler.	

Absent—Excused.

Baker of Orange.	Lamb.
Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rogers.
Houston.	Vaughan.
Hughes.	Wilmans.
Hull.	Wilson.

MOTION TO TAKE UP HOUSE BILL
NO. 60.

Mr. Carpenter of Dallas moved that the constitutional rule requiring bills to be read on three several days by suspended and that House bill No. 60 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—76.

Amsler.	LeMaster.
Arnold.	LeStourgeon.
Baker of Milam.	Looney.
Baldwin.	Lusk.
Barrett.	McDonald.
Beasley.	McFarlane.
Bird.	Martin.
Blount.	Maxwell.
Bobbitt.	Melson.
Carpenter	Merriman.
of Dallas.	Miller.
Carpenter	Montgomery.
of Matagorda.	Morgan
Carson.	of Liberty.
Carter of Coke.	Morgan
Carter of Hays.	of Robinson.
Coffee.	Pate.
Collins.	Perdue.
Covey.	Pinkston.
Cowen.	Potter.
Davenport.	Purl.
Dielmann.	Quinn.
Driggers.	Robinson.
Duffey.	Rountree.
Dunlap.	Russell
Durham.	of Callahan.
Edwards.	Sackett.
Faubion.	Satterwhite.
Fugler.	Shearer.
Green.	Shires.
Greer.	Smith.
Hardin of Erath.	Sparkman.
Henderson	Stewart of Reeves.
of Marion.	Strickland.
Hendricks.	Stroder.
Irwin.	Sweet.
Jacks.	Thrasher.
Jennings.	Turner.
Johnson.	Wells.
Kemble.	Williamson.
Lackey.	Winfree.
Lane.	

Nays—47.

Abney.	Loftin.
Atkinson.	McBride.
Avis.	McDaniel.
Barker.	Mathes.
Bell.	Merritt.
Bryant.	Moore.
Cable.	Patman.
Crawford.	Patterson.
Culp.	Pope.
Davis.	Price.
DeBerry.	Quaid.
Dodd.	Rice.
Downs.	Rowland.
Dunn.	Sanford.
Fields.	Simpson.
Finlay.	Stell.
Frnka.	Stevens.
Hardin.	Stewart of Jasper.
of Kaufman.	Stiernberg.
Harrington.	Thompson.
Henderson	Wallace.
of McLennan.	Westbrook.
Howeth.	Wessels.
Jones.	Young.
Laird.	

Present—Not Voting.

Stewart
of Edwards.

Absent.

Bonham.	McKean.
Dinkle.	McNatt.
Gipson.	Russell of Trinity.
Harris.	Storey.
Lewis.	Teer.

Absent—Excused.

Baker of Orange.	Lamb.
Brady.	Pool.
Burmeister.	Rogers.
Chitwood.	Vaughan.
Houston.	Wilmans.
Hughes.	Wilson.
Hull.	

SENATE BILL NO. 60 ON SECOND
READING.

On motion of Mr. McFarlane, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 60, A bill to be entitled "An Act creating the Ninety-second Judicial District to be composed of the counties of Young, Archer and Clay, and fixing the terms of said court; providing for the appointment of a district judge; providing that the Thirtieth Judicial District, now composed of the

counties of Young, Archer, Clay and Wichita, shall hereafter be composed of Wichita county alone, and fixing the terms of the Thirtieth Judicial District; providing for officers of the court, and preserving the status of cases and proceedings, and providing that the county attorneys of the respective counties within said Ninety-second District shall perform the duties of district attorney in their counties as well as the duties now performed by them, and providing fees of office, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 60 ON THIRD READING.

Mr. Lackey moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 60 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108.

Abney.	Gipson.
Arnold.	Green.
Atkinson.	Hardin of Erath.
Avis.	Harris.
Baldwin.	Henderson
Barker.	of Marion.
Barrett.	Henderson
Beasley.	of McLennan.
Bird.	Hendricks.
Blount.	Howeth.
Bobbitt.	Irwin.
Carpenter	Jacks.
of Dallas.	Jennings.
Carson.	Jones.
Carter of Coke.	Kemble.
Coffee.	Lackey.
Collins.	Laird.
Covey.	Lane.
Cowen.	LeMaster.
Crawford.	LeSturgeon.
Davenport.	Lewis.
DeBerry.	Looney.
Dielmann.	Lusk.
Downs.	McBride.
Driggers.	McDaniel.
Duffey.	McDonald.
Dunlap.	McFarlane.
Dunn.	Martin.
Durham.	Maxwell.
Faubion.	Melson.
Fields.	Merriman.
Finlay.	Merritt.
Frnka.	Miller.
Fugler.	Montgomery.

Moore.
Morgan
of Liberty.
Morgan
of Robertson.
Pate.
Patman.
Patterson.
Perdue.
Pinkston.
Pope.
Potter.
Price.
Purl.
Quaid.
Quinn.
Rice.
Robinson.
Russell
of Callahan.
Sackett.
Sanford.
Satterwhite.
Shearer.

Shires.
Simpson.
Smith.
Sparkman.
Stell.
Stevens.
Stewart of Jasper.
Stewart of Reeves.
Stiernberg.
Storey.
Strickland.
Stroder.
Sweet.
Teer.
Thompson.
Thrasher.
Turner.
Wallace.
Wells.
Wessels.
Williamson.
Winfree.
Young.

Nays—9.

Amsler.	Edwards.
Bell.	Hardin
Cable.	of Kaufman.
Davis.	Harrington.
Dodd.	Westbrook.

Present—Not Voting.

Bryant.

Absent.

Baker of Milam.	Loftin.
Bonham.	McKean.
Carpenter	Mathes.
of Matagorda.	Rountree.
Carter of Hays.	Rowland.
Culp.	Russell of Trinity.
Dinkle.	Stewart
Greer.	of Edwards.

Absent—Excused.

Baker of Orange.	Lamb.
Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rogers.
Houston.	Vaughan.
Hughes.	Wilmans.
Hull.	Wilson.
Johnson.	

The Speaker then laid Senate bill No. 60 before the House on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—113.

Amsler.	Atkinson.
Arnold.	Baker of Milam.

Baldwin.	McDaniel.
Barker.	McDonald.
Barrett.	McFarlane.
Beasley.	Martin.
Bell.	Mathes.
Bird.	Maxwell.
Blount.	Merriman.
Bobbitt.	Merritt.
Carpenter	Miller.
of Dallas.	Montgomery.
Carpenter	Moore.
of Matagorda.	Morgan
Carson.	of Liberty.
Carter of Hays.	Morgan
Coffee.	of Robertson.
Collins.	Pate.
Covey.	Patman.
Cowen.	Patterson.
Crawford.	Perdue.
Culp.	Pinkston.
Davenport.	Pope.
Davis.	Potter.
DeBerry.	Price.
Dielmann.	Purl.
Dodd.	Quaid.
Downs.	Quinn.
Driggers.	Rice.
Duffey.	Robinson.
Dunlap.	Rowland.
Dunn.	Russell
Durham.	of Callahan.
Faubion.	Sackett.
Fields.	Sanford.
Finlay.	Satterwhite.
Frnka.	Shearer.
Gipson.	Shires.
Green.	Simpson.
Greer.	Smith.
Hardin of Erath.	Sparkman.
Harrington.	Stell.
Harris.	Stevens.
Henderson	Stewart of Jasper.
of Marion.	Stewart of Reeves.
Henderson	Stiernberg.
of McLennan.	Storey.
Hendricks.	Strickland.
Howeth.	Stroder.
Irwin.	Sweet.
Jacks.	Teer.
Jennings.	Thompson.
Kemble.	Thrasher.
Laird.	Turner.
Lane.	Wallace.
LeStourgeon.	Wells.
Lewis.	Westbrook.
Loftin.	Williamson.
Looney.	Winfree.
Lusk.	Young.
McBride.	

Nays—6.

Avis.	Jones.
Bryant.	Stewart
Cable.	of Edwards.
Carter of Coke.	

Present—Not Voting.

Edwards.	Hardin
	of Kaufman.

Absent.

Abney.	McKean.
Bonham.	Melson.
Dinkle.	Rountree.
Fugler.	Russell of Trinity.
Lackey.	Wessels.
LeMaster.	

Absent—Excused.

Baker of Orange.	Lamb.
Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rogers.
Houston.	Vaughan.
Hughes.	Wilmsans.
Hull.	Wilson.
Johnson.	

HOUSE BILL NO. 173 ON SECOND READING.

On motion of Mr. Baldwin, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 173, A bill to be entitled "An Act amending Section 1, Chapter 27, page 38, Acts of the Regular Session, Thirty-second Legislature of the State of Texas of 1911, and being Article 7059a, of Title 120, of the Revised Statutes of Texas, relating to traveling and other expenses of judges of the district courts and district attorneys when in the actual discharge of their official duties in any county other than the county of their residence; providing for the payment of such expenses by the State upon sworn itemized accounts of such officers; providing for recording such accounts in the minutes of the district court of the county in which such officer resides, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 117 ON SECOND READING.

On motion of Mr. Merriman, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 117, A bill to be entitled "An Act to reorganize the courts of

Jefferson county; to abolish the Sixtieth Judicial District and to establish and create in its place and stead a criminal district court for Jefferson county; to provide for the jurisdiction of and procedure in said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, powers and compensation of a judge of said court; depriving and divesting the district courts of Jefferson county of jurisdiction of all criminal cases; providing from and after the taking effect of this act for the transfer of all criminal cases from the district courts of Jefferson county to the criminal district court of Jefferson county created by this act; providing for the transfer of all civil cases from the Sixtieth Judicial District to the district court of the Fifty-eighth Judicial District; providing that the Fifty-eighth District Court may empanel grand juries; and fixing the time for holding said court; providing that the county attorney, the sheriff and the clerk of the district court of Jefferson county shall be the county attorney, sheriff and clerk of the district court, respectively, and of the court created by this act, under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 64 ON SECOND READING.

On motion of Mr. Jacks, the regular order of business was suspended to take up and have placed on its second reading reading and passage to engrossment,

H. B. No. 64, A bill to be entitled "An Act to regulate the organization of the county courts of Dallas county at law, and judges thereof, and to secure uniformity therein, by prescribing that the county court of Dallas county at law shall be called the County Court of Dallas County at Law No. 1; by fixing an equal number of terms of said courts, and prescribing that they commence on alternate months; to authorize the judges thereof to hold court for or with another; to prescribe a

uniform qualification for the judges; prescribe what fees they shall collect and how they shall be paid into the county treasury; to require the oath of office, and remove the requirement of official bonds for judges; to continue the term of the County Court of Dallas County No. 2; to conform to this act; to validate process thereof and of the County Court of Dallas County at Law in conformity with this act; to repeal laws in conflict therewith, and to declare an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE JOINT RESOLUTION NO. 6 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 6, Proposing an amendment to Section 18, of Article 5, of the Constitution of the State of Texas, to provide for the election of county commissioners by the qualified voters of the entire county, and fixing a time for the election to be held on such amendment.

The resolution was read second time.

Mr. Moore moved the previous question on the resolution, and the main question was ordered.

Question recurring on the engrossment of the resolution, yeas and nays were demanded.

The resolution failed to pass to engrossment by the following vote:

Yeas—19.

Carson.	Jacks.
Culp.	Jennings.
Davenport.	Lane.
Driggers.	LeSturgeon.
Edwards.	Price.
Fields.	Quinn.
Greer.	Rountree.
Harris.	Sackett.
Henderson	Satterwhite.
of Marion.	Sparkman.

Nays—104.

Mr. Speaker.	Barrett.
Abney.	Beasley.
Amsler.	Bell.
Arnold.	Bird.
Atkinson.	Blount.
Avis.	Bobbitt.
Baker of Milam.	Bryant.
Baldwin.	Cable.
Barker.	Coffee.

Carpenter of Dallas.	Merriman.
Carpenter of Matagorda.	Merritt.
Carter of Coke.	Miller.
Carter of Hays.	Moore.
Collins.	Morgan of Liberty.
Covey.	Morgan of Robertson.
Cowen.	Pate.
Crawford.	Patman.
Davis.	Patterson.
DeBerry.	Perdue.
Dielmann.	Pinkston.
Dodd.	Pope.
Downs.	Potter.
Duffey.	Purl.
Dunlap.	Quaid.
Dunn.	Rice.
Durham.	Robinson.
Faubion.	Rowland.
Finlay.	Russell of Callahan.
Frnka.	Sanford.
Fugler.	Shearer.
Green.	Shires.
Hardin of Erath.	Simpson.
Hardin of Kaufman.	Smith.
Harrington.	Stell.
Henderson of McLennan.	Stevens.
Howeth.	Stewart of Edwards.
Irwin.	Stewart of Jasper.
Jones.	Stewart of Reeves.
Kemble.	Stiernberg.
Lackey.	Storey.
Laird.	Strickland.
LeMaster.	Stroder.
Lewis.	Teer.
Loftin.	Thompson.
Looney.	Thrasher.
Lusk.	Turner.
McBride.	Wells.
McDaniel.	Westbrook.
McKean.	Wessels.
Martin.	Williamson.
Mathes.	Winfree.
Maxwell.	Young.
Melson.	

Absent.

Bonham.	McFarlane.
Dinkle.	Montgomery.
Gipson.	Russell of Trinity.
Hendricks.	Sweet.
McDonald.	Wallace.

Absent—Excused.

Baker of Orange.	Lamb.
Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rogers.
Houston.	Vaughan.
Hughes.	Wilmons.
Hull.	Wilson.
Johnson.	

Mr. Quaid moved to reconsider the vote by which the resolution was lost and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 13 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 13, A bill to be entitled "An Act providing for the licensing, bonding and regulating of private employment agents; limiting the fee charged by such agents; providing for the cancellation of such license; prescribing the duties of the Commissioner of Labor Statistics for the State of Texas with reference to the enforcement of this act; providing for recoveries on said bond; fixing penalties for the violation of this act; creating a special fund for the enforcement of this act and appropriating same for said purposes; repealing certain laws and all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 13 by adding after the words "employment agency fund," in line 2, page 9, the following: "One-fourth of all moneys received by the Commissioner under this act shall be by him deposited in the State Treasury to the credit of the public available school fund."

The amendment was adopted.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 13 by adding after the words "State Treasurer" at end of line 31, page 8, the words "three-fourths of."

The amendment was adopted.

Mr. Harris offered the following amendment to the bill:

Amend House bill No. 13, page 1, line 26, by adding after the word "teachers" the following: "where no fees are charged more than a registration fee of two dollars."

The amendment was lost.

Mr. Stewart of Edwards moved to postpone further consideration of the bill until 2 o'clock p. m. next Wednesday, and the motion was lost.

Mr. Jones offered the following amendment to the bill:

Amend House bill No. 13, line 32, page 1, by adding after the word "em-

ployment," the following: "Provided, that the provisions of this act shall not apply to farmers and stockraisers acting jointly or severally."

The amendment was adopted.

House bill No. 13 was then passed to engrossment.

HOUSE BILL NO. 131 ON SECOND READING.

On motion of Mr. Westbrook, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 131, A bill to be entitled "An Act to amend Article 2643, of Chapter 2, Title 48, Revised Civil Statutes of Texas, 1911, providing that the Board of Regents of the University of Texas, when authorized by specific legislation, may expend the interest of the permanent University fund for permanent improvements; providing that any contract made in any manner or for any purpose as in said Article 2643 specified shall be null and void, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 14 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 14, A bill to be entitled "An Act to amend Section 1, of Article 7355, Title 126, Revised Civil Statutes of Texas, 1911, and also by adding thereto Section 1½, relating to occupation taxes on itinerant merchants, or persons, firms, companies or association of persons temporarily engaging in the mercantile business, fixing penalty, and declaring an emergency."

The bill was read second time.

Mr. Lackey offered the following amendment to the bill:

Amend House bill No. 14, line 23, page 1, by inserting the word "one" in lieu of the word "two;" and in line 28, page 1, by striking out the words "one hundred" and inserting the word "fifty" in lieu thereof.

The amendment was adopted.

Mr. Patman offered the following amendment to the bill:

"Provided the provisions of this act shall not be construed to include the

sale of stocks of goods purchased from trustee in bankruptcy and sold at place where bankrupt was formerly in business."

Mr. Greer offered the following substitute for the amendment:

Amend House bill No. 14 by striking out the enacting clause.

On motion of Mr. Moore, the substitute amendment was tabled.

Question then recurring on the amendment by Mr. Patman, it was adopted.

Mr. Wessels offered the following amendment to the bill:

Amend House bill No. 14, page 1, lines 26 and 27, the words "\$200" and in lieu thereof "\$25 and one-half thereof on other months."

The amendment was lost.

Mr. Dunn offered the following amendment to the bill:

Amendment to line 26, page 1, strike out the word "two" and insert the word "one."

The amendment was lost.

Mr. Culp offered the following amendment to the bill:

Amend House bill No. 14, Section 1, line 17, by striking out the word "itinerant."

The amendment was lost.

Mr. Patman offered the following amendment to the bill:

After word "business," line 11, House bill No. 14, add:

"Providing that provision of this act shall not apply to sales of bankrupt stocks when purchased from trustee in bankruptcy and sold at former place of business of bankrupt."

Mr. Pate moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 14 was then passed to engrossment by the following vote:

Yeas—107.

Abney.	Bryant.
Amsler.	Carpenter
Arnold.	of Dallas.
Atkinson.	Carpenter
Avis.	of Matagorda.
Baker of Milam.	Carson.
Baker of Orange.	Carter of Coke.
Baldwin.	Carter of Hays.
Beasley.	Coffee.
Bird.	Collins.
Bobbitt.	Covey.

Cowen.	Morgan
Crawford.	of Liberty.
Davenport.	Morgan
DeBerry.	of Robertson.
Dielmann.	Pate.
Dodd.	Patman.
Downs.	Patterson.
Driggers.	Perdue.
Duffey.	Pinkston.
Dunlap.	Pope.
Dunn.	Potter.
Durham.	Price.
Edwards.	Quaid.
Faubion.	Quinn.
Fields.	Rice.
Finlay.	Robinson.
Frnka.	Rountree.
Gipson.	Russell
Green.	of Callahan.
Hardin of Erath.	Sackett.
Henderson	Sanford.
of Marion.	Satterwhite.
Hendricks.	Shearer.
Howeth.	Shires.
Irwin.	Simpson.
Jacks.	Smith.
Jones.	Sparkman.
Kemble.	Stell.
Lackey.	Stevens.
Lane.	Stewart
LeMaster.	of Edwards.
LeSturgeon.	Stewart of Jasper.
Lewis.	Stewart of Reeves.
Loftin.	Stiernberg.
Lusk.	Storey.
McBride.	Strickland.
McDonald.	Sweet.
McKean.	Teer.
Martin.	Thompson.
Maxwell.	Thrasher.
Melson.	Turner.
Merriman.	Wallace.
Merritt.	Wells.
Miller.	Westbrook.
Montgomery.	Williamson.
Moore.	Winfree.

Nays—18.

Barrett.	Harris.
Bell.	Henderson
Blount.	of McLennan.
Cable.	Jennings.
Culp.	Laird.
Davis.	Looney.
Greer.	McDaniel.
Hardin	Rowland.
of Kaufman.	Stroder.
Harrington.	Wessels.

Present—Not Voting.

Mathes. Young.

Absent.

Barker.	McFarlane.
Bonham.	Purl.
Dinkle.	Russell of Trinity.
Fugler.	

Absent—Excused.

Brady.	Lamb.
Burmeister.	McNatt.
Chitwood.	Pool.
Houston.	Rogers.
Hughes.	Vaughan.
Hull.	Wilmons.
Johnson.	Wilson.

HOUSE BILL NO. 29 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 29, A bill to be entitled "An Act to amend Article 2, Title 1, of the Revised Civil Statutes of the State of Texas, 1911, relating to the adoption of heirs, so as to permit the adoption of minors only as legal heirs, and defining and designating the rights, privileges and inheritances of heirs by adoption, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 33 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 33, A bill to be entitled "An Act requiring the labeling of all cloth, fabric, garments or articles of apparel sold or offered for sale in this State which contain wool or purport to contain wool, and samples containing or purporting to contain wool displayed in this State in soliciting orders, and providing for punishment for violation of this act."

The bill was read second time and was passed to engrossment.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 126, A bill to be entitled "An Act creating the Weimar Independent School District, in Colorado county, Texas; defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district; naming the fiscal year as to taxes, pre-

scribing the method of changing the boundaries of said district, providing that should any section or sections of this act be by the courts declared unconstitutional, the validity of the remainder of this act shall not be thereby affected; providing that the maintenance now be levied, assessed and collected in Common School District No. 14, by this act created into Weimar Independent School District, shall not be abrogated, etc., and declaring an emergency."

Respectfully,
 RICHARD BLALOCK,
 Assistant Secretary of the Senate.

HOUSE BILL NO. 44 ON SECOND
 READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 44, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild fur-bearing animals to be the property of the State; providing for the issuance of trappers' licenses, and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof, and making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Finlay offered the following (committee) amendment to the bill:

Amend House bill No. 44 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. All the wild fur-bearing animals of this State are hereby declared to be the property of the people of this State.

Sec. 2. Wild beaver, wild otter, wild bear, wild mink, wild raccoon, wild ring-tailed cat, wild muskrat, wild badger, wild striped skunk or polecat, wild fox, wild opossum, are hereby declared to be the fur-bearing animals within the meaning of this act.

Sec. 3. It shall be unlawful for any citizen of this State to have in possession, dead or alive, or to take, kill, trap or attempt to take in a snare, trap or deadfall any of the wild fur-bearing animals of this State mentioned in Section 2 of this act without first having procured a license to do so from the Game, Fish and Oyster

Commissioner, or from one of his deputies, or from any county clerk, and for which he shall pay to the officer from whom he secures such license the sum of one dollar and fifteen cents; fifteen cents of which amount shall be retained by such officer as his fee for collecting, issuing and making report on such license.

Sec. 4. It shall be unlawful for any non-resident of this State, or alien, to have in possession, alive or dead, or to take, kill, trap or attempt to take in a snare, trap or deadfall any of the wild fur-bearing animals of this State mentioned in Section 2 of this act without first having procured a license to do so from the Game, Fish and Oyster Commissioner or from one of his deputies, or from any county clerk, and for which he shall pay to the officer from whom he secures such license the sum of twenty-five dollars; three dollars of which amount shall be retained as his fee for collecting, issuing and making report on such license.

Sec. 5. Licenses granting the privilege to trap the fur-bearing animals of this State shall be issued by the Game, Fish and Oyster Commissioner, who shall have prepared suitable licenses, and have printed thereon the names of protected fur-bearing animals, the date of open season and the words "trapping license No. —, State of Texas, not transferable. Expires February 28, 19—, with serial numbers and appropriate years." Also printed thereon "and notice to the effect that a report on the number and kind of fur-bearing animals taken must be made not later than April 1st each year to the Game, Fish and Oyster Commissioner." Such license will permit the holder thereof to take any of the fur-bearing animals mentioned in Section 2 (except beaver) during the open season provided herein, either in the daytime or at night, but no fur-bearing animal shall be taken from a den or hole by digging, smoking or by the use of chemicals.

Sec. 6. It shall be unlawful for any person to take, kill, trap or attempt to trap, or have in possession, alive or dead, any of the wild fur-bearing animals of this State mentioned in Section 2 of this act between the first day of March and the first day of December of any year. Provided, that it shall be unlawful for any person at any time of the year to shoot at or kill or wound any fox that is being pursued or trailed by a hound or hounds, or other dogs.

Provided, however, that nothing in this act shall prohibit the use of traps at any time of the year for the catching or taking of any such animals when they are found injuring or doing damage to, or destroying any property. The person whose property is being injured, damaged or destroyed may kill or trap them on his own premises when necessary for the protection of his property, but the fur-bearing animal, or any part thereof so taken or killed shall not be possessed, bought, sold or trafficked in.

Sec. 7. It shall be unlawful for any person to trap or set any trap or deadfall on the lands of another without the consent or permission of the owner of said land. In prosecutions for violations of this section, burden of proof shall be on the defendant to show that he had such permission.

Sec. 8. Owners or tenants or their children actually residing on farm or ranch lands shall have the right to trap wild fur-bearing animals during the open season when it is lawful to do so, upon such lands on which they or their parents are owners or tenants without being required to procure trapping licenses.

Sec. 9. It shall be unlawful for any person to take, move or disturb the traps of any licensed trapper, or without his permission take any fur-bearing animal from his traps when such licensed trapper is trapping on public lands, or on land where he has permission to trap.

Sec. 10. It shall be the duty of every person holding a license as provided by this act to trap fur-bearing animals, to carry with him the license so to do, and shall exhibit it on demand to any peace officer or any officer authorized to enforce the game laws of this State.

Sec. 11. It shall be unlawful for any person to kill, trap or attempt to trap, take, or have in his possession within the period of ten years from the passage of this act any wild beaver.

Sec. 12. It shall be unlawful for any person to sell or have in possession for the purpose of sale, or have in possession after purchase, any wild beaver or the hide thereof.

Sec. 13. All moneys collected from the fines and penalties for the violation of this act, and all moneys collected from the sale of trappers' licenses shall belong to the special game fund of this State, and shall be paid over by the Game, Fish and Oyster Commissioner to the Treasurer of the

State during the first week of each month and shall be credited to such special game fund. Provided that county attorneys shall receive ten per centum and officers making collection five per centum of any fine or fines assessed for violation of this act.

Sec. 14. It shall be unlawful to hunt fur-bearing animals at any time of the year with what is commonly known as a headlight, or with any artificial light used on or about the head.

Sec. 15. Any person setting or placing any trap, snare, steel trap or deadfall, shall inspect the same within each thirty-six hours thereafter and shall remove therefrom any animal or fowl caught therein.

Sec. 16. It shall be the duty of any person setting or placing any trap, snare or deadfall, to place same where it will be inaccessible to domestic animals or fowls, and the owner of any trap, snare or deadfall in which a domestic animal or fowl is caught may be held legally responsible for the damage or injury to such domestic animal or fowl.

Sec. 17. It shall be required of each and every holder of a trapping license to make a report in detail to the Game, Fish and Oyster Commissioner, in writing, at any time during the month of March of each year. Such report shall give the number of trapping license, the number and kind of fur-bearing animals killed or taken, and the name of the county in which they were killed or taken. Such report shall be certified to as to its correctness, and signed by owner of license. Failure on the part of the holder of any trapping license to make report as herein provided, shall prevent such person from securing a trapping license for the next following season.

Sec. 18. It shall be unlawful to trap or attempt to take with a trap or deadfall, any bear at any time in this State except as provided in Section 6.

Sec. 19. Provided that nothing in this law shall prevent the capture of wild fur-bearing animals for zoological parks or gardens, or museums, or for propagation or scientific purposes, but before any fur-bearing animal is taken, permission in writing must be secured. Application for such permit must be made with an affidavit setting forth what fur-bearing animals, and the number, are desired, and the purpose for which the applicant desires them.

Sec. 20. It shall be the duty of the

Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this act.

Sec. 21. It shall be the duty of the Game, Fish and Oyster Commissioner to keep in his office, in the Capitol of this State, a well bound book in which he shall keep a complete record of trappers' licenses, showing serial numbers distributed to county clerks and Deputy Game, Fish and Oyster Commissioners, and of moneys received from sales of such licenses.

Sec. 22. It shall be the duty of county clerks and the Deputy Game, Fish and Oyster Commissioners of this State, within ten days of the close of each calendar month, make out a detailed report showing the serial number and date of each trapping license issued, and the name and residence of the person to whom issued, and shall forward such report with amount as shown which is due to the Game, Fish and Oyster Commissioner of this State.

Sec. 23. It shall be unlawful at any time of the year to set or place a steel trap, the jaws of which have a wider spread than six inches, unless such trap is enclosed by at least two strands of barbed wire, one three and one four feet from the ground, said wire to be securely held in place and not over ten yards at any place from the enclosed trap.

Sec. 24. Every person violating any of the provisions of this act shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 25. That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Sec. 26. The fact that there is now no adequate law relating to fur-bearing animals, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Mr. Cable offered the following amendment to the (committee) amendment:

Sec. 25a. That Denton county and Montague county be exempted from the provisions of this act.

Signed—Edwards, Cable.

Question—Shall the amendment to the (committee) amendment be adopted?

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, January 22, 1923.
Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 11, In reference to State sovereignty.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

THANKING THE VALLEY PACKING COMPANY.

Mr. Pope offered the following resolution:

Resolved, That the House of Representatives expresses its thanks and appreciation to the Valley Packing Company of the Rio Grande Valley and Representative A. L. Lewis of Harlingen for the splendid grapefruit just distributed to the members of the House.

The resolution was read second time and was adopted.

ADJOURNMENT.

Mr. Jones moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Quinn moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. LeSturgeon moved that the House adjourn until 2 o'clock p. m. tomorrow.

The motion of Mr. LeSturgeon prevailed, and the House accordingly at 5 o'clock p. m., adjourned until 2 o'clock p. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees filed favorable reports today on bills, as follows:

Live Stock and Stock Raising—House bills Nos. 193, 221.

Criminal Jurisprudence—House bills Nos. 42, 204, 257, 224, 6.

Roads, Bridges and Ferries—House bills Nos. 136, 137, 174.

Judiciary—House bills Nos. 18, 241.
Revenue and Taxation—House bill No. 12.

Agriculture—House bills Nos. 189, 190, 218, 248.

Constitutional Amendments—House joint resolutions Nos. 4, 13, 8, 9.

Banks and Banking—House bills Nos. 211, 205, 212, 210, 209.

State Affairs—House bill No. 8.

Counties—House bills Nos. 56, 94, 116.

Commerce and Manufactures—House concurrent resolution No. 5, House bill No. 261.

Game and Fisheries—House bill No. 225.

The following committees filed adverse reports today on bills as follows:

Federal Relations—Senate concurrent resolution No. 7.

Constitutional Amendments—House bill No. 119.

Criminal Jurisprudence—House bills Nos. 28, 144, 197.

Counties—House bill No. 147.

Judiciary—House bill No. 267.

REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,

Austin, Texas, January 20, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 17, A bill to be entitled "An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

THIRTEENTH DAY.

(Tuesday, January 23, 1923.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Irwin.
Amsler.	Jacks.
Arnold.	Jennings.
Atkinson.	Jones.
Avis.	Kemble.
Baker of Milam.	Lackey.
Baker of Orange.	Laird.
Baldwin.	Lane.
Barker.	LeMaster.
Barrett.	LeSturgeon.
Beasley.	Lewis.
Bell.	Loftin.
Bird.	Looney.
Blount.	Lusk.
Bobbitt.	McBride.
Bryant.	McDaniel.
Cable.	McDonald.
Carpenter	McKean.
of Dallas.	Martin.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Carson.	Melson.
Carter of Coke.	Merriman.
Carter of Hays.	Merritt.
Coffee.	Miller.
Collins.	Montgomery.
Covey.	Moore.
Cowen.	Morgan
Crawford.	of Liberty.
Culp.	Morgan
Davenport.	of Robertson.
Davis.	Pate.
DeBerry.	Patman.
Dielmann.	Patterson.
Dinkle.	Perdue.
Dodd.	Pinkston.
Downs.	Pope.
Driggers.	Potter.
Duffey.	Price.
Dunlap.	Purl.
Dunn.	Quaid.
Durham.	Quinn.
Edwards.	Rice.
Faubion.	Robinson.
Fields.	Rogers.
Finlay.	Rowland.
Frnka.	Russell of Trinity.
Fugler.	Sackett.
Gipson.	Sanford.
Green.	Satterwhite.
Greer.	Shearer.
Hardin of Erath.	Shires.
Hardin	Simpson.
of Kaufman.	Smith.
Harrington.	Sparkman.
Harris.	Stell.
Henderson	Stevens.
of Marion.	Stewart
Henderson	of Edwards.
of McLennan.	Stewart of Jasper.
Hendricks.	Stewart of Reeves.
Howeth.	Stiernberg.
Hughes.	Storey.
Hull.	Strickland.